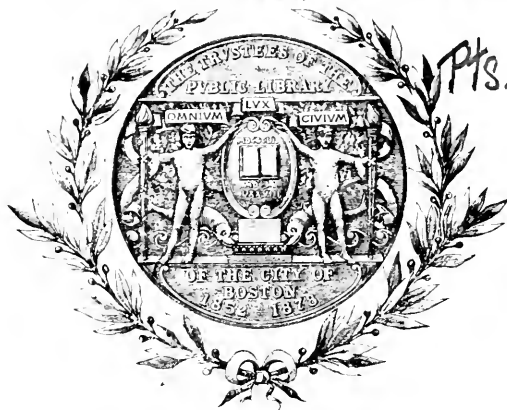


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INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD

HEARINGS
BEFORE THE
SELECT COMMITTEE
ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD
EIGHTY-FIFTH CONGRESS
SECOND SESSION

PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS

MARCH 12, 13, 14, AND 18, 1958

PART 23

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1958

**SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, MARCH 12, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; and Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were Senators McClellan and Curtis.)

The CHAIRMAN. All right, call your next witness.

Mr. KENNEDY. Mr. Robert Treuer.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TREUER. I do.

TESTIMONY OF ROBERT TREUER, ACCOMPANIED BY HIS COUNSEL, JOSEPH L. RAUH, JR.

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. TREUER. My name is Robert Treuer, and I reside at 716 North Ninth Street in Sheboygan, Wis., and I am an international representative of the United Auto Workers Union, working in the public-relations department, sir.

The CHAIRMAN. Thank you very much. Mr. Rauh represents you does he?

Mr. TREUER. Yes, sir; he does.

The CHAIRMAN. Let the record show Mr. Rauh appears for the witness.

Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Treuer, you were in Sheboygan, Wis., during the strike?

Mr. TREUER. Sir, I was in Sheboygan, Wis., full time starting in January of 1955.

Mr. KENNEDY. Had you been there prior to that time?

Mr. TREUER. Yes, sir; I had been, but not as an employee of the UAW.

Mr. KENNEDY. How long have you been with the UAW?

Mr. TREUER. I have been with the UAW since January of 1955.

Mr. KENNEDY. What were you doing prior to that time?

Mr. TREUER. Prior to that time, sir, I was the editor of the Wisconsin CIO News, and I had held that position for a period of some 6 years.

Mr. KENNEDY. Who retained you in the UAW to go to Sheboygan, Wis.?

Mr. TREUER. I was hired by Mr. Harvey Kitzman, the region 10 director, and I understand after his consultation with officials in the international union.

Mr. KENNEDY. What were your duties up there?

Mr. TREUER. My duties, sir, were to help in the preparation of public-relations and publicity materials and to advise the local union in that regard to the best of my ability.

Mr. KENNEDY. You were there, were you not, during the time that the so-called clay-boat incident took place in July of 1955?

Mr. TREUER. Yes, sir; I was.

Mr. KENNEDY. And that was when the clay boat came in to deliver the clay for the Kohler Co. at Sheboygan, Wis.?

Mr. TREUER. Yes, sir.

Mr. KENNEDY. Now, did you make some broadcasts prior to the time that the clay boat came into Sheboygan?

Mr. TREUER. Yes, sir; I did.

Mr. KENNEDY. And do you have with you your broadcasts?

Mr. TREUER. I have with me, sir, the excerpts from the broadcasts that deal with the clay boat.

Mr. KENNEDY. How many times did you mention the clay boat prior to its arrival on July 5?

Mr. TREUER. Prior to its arrival, sir, I mentioned the clay boat on one broadcast, and I mentioned it twice on that broadcast, once in the beginning and once at the end.

Mr. KENNEDY. Did you invite people in that broadcast to come down to the clay boat when it arrived?

Mr. TREUER. Yes, sir; I did.

(At this point, Senator Ervin came into the hearing room.)

Mr. KENNEDY. What was the purpose of that, if it was not to incite some kind of a riot or a mob scene?

Mr. TREUER. That was not the purpose. The purpose, sir, was this: My remarks were played on July 1, which was a Friday night. We said at the time in our broadcast that the arrival of the clay boat was expected within the next day or two.

This had been a very quiet time in the strike, so quiet, in fact, sir, that we were receiving inquiries as to whether the strike was still going on.

We thought at this time if we could get any publicity to the effect that the strike was still going on, it would be to our benefit. For this purpose, we organized what you might call a publicity gimmick or stunt.

We were going to have six small rowboats, with outboard motors, to go out and meet the clay boat and, if you will, escort it in. These little boats would have people in them carrying signs saying, "This clay is for the strikebound Kohler Co." and things to the effect that "This strike is still going on."

It didn't quite work out that way, because of the 6 boats, sir, 3 foundered before they ever got too far away, and 1 of the fellows got tired of waiting and he went fishing, and only 2 boats did go out to meet the clay boat when it came in.

I must also admit, sir, that we didn't get much publicity as a result.

Senator ERVIN. Did you get any fish?

Mr. TREUER. I hear, sir, that he did.

Senator ERVIN. I just wanted to say that the fish haven't been cooperating with me on the last times I have been fishing, and I hope they do better in the future than they have for me in the past.

Mr. TREUER. Wisconsin fish are very cooperative, sir.

The CHAIRMAN. We would like to get in the record what he actually said on his broadcast.

Mr. KENNEDY. On Friday, July 1 on the 6:30 p. m., CIO broadcast, from station WHBL, there was an introduction paragraph, and then the second paragraph reads:

Also in the news, a clay boat loaded with clay for the Kohler Co. is expected to dock in Sheboygan Harbor sometime Saturday or Sunday. It is expected, of course, that a number of people will be on hand to meet and greet the clay boat when it arrives. Information is that the sailors aboard the ship have been contacted by CIO brothers before the ship even approached Sheboygan, and have been told the full story of the Kohler strike.

Then you go on to give some other news and have an interview, and then the last paragraph states:

Here again are the headlines in the Kohler strike today, for those of you who tuned into this program a little late. A clay boat loaded with clay for the Kohler Co. is expected to pull into Sheboygan Harbor sometime on Saturday or Sunday—that is, some time tomorrow or the day after—and certainly there will be many people on hand to watch the sight of the boat maneuvering into dock and pulling in and perhaps unloading before even the holidays are out.

Then on July 3, 1955:

This is Bob Treuer with today's Kohler strike report: Last Saturday, the steamship *Fossum*, a ship of Norwegian registry, pulled into Sheboygan Harbor with a load of clay for the Kohler Co.

As the boat approached Sheboygan Harbor, a little armada, you might call it, or a Kohler strikers' navy consisting of three little speedboats with outboard motors went out to greet them.

The Kohler strikers in those three small boats carried signs in Norwegian, German, and English announcing the fact that the clay on board the steamship *Fossum* was consigned to the strikebound Kohler plant. No effort was made, of course, to detain the boat or to interfere with it in any way. Rather the effort was made only to advertise the fact that a labor dispute exists at the Kohler Co.

It must be understood that the sailors, who are mainly Norwegians and Scandinavians, aboard the ship are prevented by law from refusing to handle this cargo or to bring it in, so, of course, no effort was made to even ask them to do such a thing. Instead, leaflets were given to the seamen, to the sailors by the local 833 navy, urging them not to judge the entire country by the example being set by the Kohler Co.

Here is a sample of the leaflet which was handed out to the sailors, and this, too, was printed in Norwegian, German, and English. Here is the English version. It reads as follows:

"The clay on your ship is bound for the strikebound Kohler Co. We have been on strike since April 5, 1954. The company has tried to break our union by force, coercion, and hiring strikebreakers from far away. We ask you not to judge our country by what the Kohler Co. is doing, because that is the exception, but we ask you also to help us, the Kohler strikers, in any way that you probably can.

"We thank you for your support and we hope that by the next time your ship returns to Sheboygan, Wis., the Kohler Co. will have come to its senses and settled the strike."

Now, incidentally, all of you folks, you members of S33, if you happen to meet any of the sailors from aboard the *Fossum*, talk to them and encourage them to understand this country of ours, and not to judge it by the example being set by the Kohler Co. If possible invite them to your homes, and befriend them and try to get them to understand what our country is really like.

Mr. TREUER. That is correct, sir.

Mr. KENNEDY. In the first broadcast, you don't feel that you were inciting a riot or mob violence at the dock by announcing the fact that there was going to be a large number of people down there?

Mr. TREUER. No, sir; not at all.

We have many times broadcast—for example, we have asked people to come and help out with office work, and we were not swamped by several thousand people by a long shot. This was as I explained, sir, strictly for the purpose of trying to get a few people around so we would have some spectators for the "Auto Workers' Navy."

Mr. KENNEDY. Were you down at the dock yourself on that day?

Mr. TREUER. On the 2d of July; yes, sir, I was.

Mr. KENNEDY. The day, was it July 5 when they were unloading the clay?

Mr. TREUER. These are two different days. The "Auto Workers' Navy" happened 3 or 4 days before the so-called clay boat riot or incident.

Mr. KENNEDY. Was there anything else you wanted to explain about the "Auto Workers' Navy"?

Mr. TREUER. No, sir; that was all. The boat came in, and the navy, what there was of it, went out, and that was the end of it, and the boat docked, and the fellows went fishing, and after that the July 4 holidays took place.

In the interim, sir, the city of Sheboygan provides an annual July 4 fireworks and celebration, which was adjacent to the dock site, and during that period of time, according to the local newspaper and radio, some 45,000 people had driven by and parked and spent a good share of their weekend in that immediate area.

That is adjacent to where the clay boat was docked, and the people knew without a question of a doubt what the boat was, and what its purpose was, because the coming of the boat had been a matter of public controversy as long as 2 months before.

If my memory serves me correctly I believe it was on May 2, 1955, an issue arose in the City of Sheboygan Common Council, where the arrival or pending arrival of this clay boat was discussed and I understand some angry remarks were made by different people because I believe it was Mr. Desmond had come to see the mayor and asked for police protection.

And the question had arisen that they had clay boats the year before during 1954 when the strike was at even a higher pitch, and nothing adverse had happened, and the boats were unloaded without any delay, and without any problem, and why is this issue being raised. That, sir, was in May of 1955. So when the boat came in, and all of these people drove down and participated in the July Fourth celebration, it was pretty well known what the boat was and what its cargo was destined for.

Mr. KENNEDY. Just going back to your Navy, what did they do when they went out there? Did they just circle around the clay boat?

Mr. TREUER. Yes, sir; they did circle or attempt to circle, and I believe some of the fellows made an effort to throw some of these leaflets aboard ship, and I understand a few of the leaflets did get on board ship.

Mr. KENNEDY. There was not any attempt at that time to stop the boat from docking?

Mr. TREUER. No; of course not, and we so stated.

(At this point, Senator Mundt entered the hearing room.)

Senator CURTIS. I am interested in what you say about this broadcast on July 1. You say it was your intention to invite Kohler strikers and others down to the dock when this clay boat came in.

Mr. TREUER. As I said, sir, our purpose was to provide a few spectators to see the navy and our experience has been that not too many people responded to these calls, and I would have been satisfied with about 20 or 30 people down there, which is what happened.

Senator CURTIS. Well now, it was your intention by announcing this on your program to have your people come down there; was it not?

Mr. TREUER. For the purpose I stated; yes, sir.

Senator CURTIS. Well now, they did other things after they got down there; did they not?

Mr. TREUER. Sir, if I may explain, this was about 4 days or 3 days before the so-called clay-boat incident. This "Auto Workers' Navy," sir, went out on a Saturday, I believe, and the clay-boat incident that Mr. Desmond referred to yesterday took place on the following Tuesday.

Senator CURTIS. Because of the holiday weekend?

Mr. TREUER. That is correct, sir.

Senator CURTIS. But nevertheless, you say that the purpose of your broadcast was to alert people that it was coming and to get a crowd down there; was it not?

Mr. TREUER. If I may point out, there were intervening broadcasts, too, and the one that we had reference to was to our intent, to my intent, to provide a few spectators for when the "Auto Workers' Navy" went out, and that, sir, was on Friday, July 1.

Senator CURTIS. You did not say anything like that in your broadcast. You did not announce this was coming, and say that you wanted a few spectators down there for that particular reason?

Mr. TREUER. No, sir; I did not.

Senator CURTIS. You made a general appeal to get strikers down there and in due time the incident happened. How can you separate what happened from the fact that you drummed up the crowd to come down there?

Mr. TREUER. I can, sir; by this: That the remarks you refer to, sir, were made on July 1, and we had a program on July 3 in which we say, "No effort was made, of course, to detain or to even interfere with this boat in any way." Rather the effort was made to advertise the fact that a labor dispute exists at the Kohler Co. and, therefore, sir, our purpose was as I stated to advertise this and not to create an incident.

Senator CURTIS. What did the words "of course" in there mean?

Mr. TREUER. Because we took it for granted that we would do nothing but advertise, because, sir, it is easy for us or anyone else now to look back and reconstruct what happened. But I wish to point out, sir, if I may, that at that time none of us were aware that all Sheboygan factories would be shut down the following week for the annual vacation shutdown, as is customary practice.

It was something that was there, and if we had made inquiries we probably would have known, but it was something that I, for one, was totally unaware of.

Senator CURTIS. Well now, the sworn testimony here that we took yesterday is that a crowd assembled down there, and there was anger and there was cursing, and there was taking hold of cars that attempted to go through, and there was a breakage of glass; that the police had to open up the lines. Now, those people that were down there doing that were down there by reason of your appeal over the radio, is that not true?

Mr. TREUER. No, sir; not at all.

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, and Mundt.)

Senator CURTIS. You asked them to come down there; didn't you?

Mr. TREUER. I asked on a different day. In the intervening days, we had at least two additional broadcasts in which nothing was said about coming down, and on the contrary.

Senator CURTIS. In that broadcast of July 1, you say, among other things—

And there will be many people on hand to watch the sight of the boat maneuvering to the dock and pulling in and perhaps unloading before the holidays are out.

It turned out they didn't unload before the holidays were out, all of which you were alerting them to.

As a matter of fact, your broadcast was in the nature of instructions to the strikers as to what they were to do down there; isn't that true?

Mr. TREUER. No, sir; it was not. And whereas we did not say anything about the presence of the clay boat or its possibility of unloading, the local radio station, sir, did. This is separate and apart from our 15-minute program. Their newscast did, and particularly, sir, on the morning of July 5 there were repeated program interruptions. There were bulletins which interrupted the program which did substantially a lot to draw people down there.

Senator CURTIS. The fact is that these radio broadcasts were used for the purpose of getting instructions out to the strikers as to what they should do as the strike went along; isn't that correct?

Mr. TREUER. No, sir; it was in the form of information, and in no way an instruction.

Senator CURTIS. In no way an instruction?

Mr. TREUER. No, sir.

Senator CURTIS. Not at any time?

Mr. TREUER. Sir, when we had something that we specifically wanted the people to know that was in any form an official instruction from the union, we usually had an officer of the local union on the program, and it was stated specifically as an instruction.

If I may, I would like to cite an example of that. Some confusion arose at one time about the specific details of the State labor board rules on picketing, where to picket and the exact distance between pickets, and so forth, I believe in January or February of 1955. Allen Grasskamp, the president of local 833, and I believe Mr. Kohlhagen, the recording secretary, went on the air, and said:

The following are specific, detailed instructions which we want you to have, and which we must insist be enforced. You will do everything you can to cooperate—

and then they read these instructions. That, sir, was an instruction.

Senator CURTIS. I will admit that you no doubt used that method for direct instruction at times. But isn't it true that by way of announcement and news what appeared outwardly to be that was actually instructions to the strikers, given out over this radio program?

Mr. TREUER. No, sir; it was not.

By way of illustration, again, we have said on many of our radio broadcasts, in making references—we call attention, for example, to a rehearsal of the chorus of local 833 which takes place weekly, and I recall many times saying, "Please be there on time," and I don't think the chorus has ever started rehearsing on time yet.

Senator CURTIS. Of course, that is not strike instruction anyway. But here you started out with this broadcast:

Also in the news a clay boat loaded with clay for the Kohler Co. is expected to dock in Sheboygan Harbor sometime Saturday or Sunday. It is expected, of course, that a number of people will be on hand to meet and greet this clay boat when it arrives.

In truth and in fact that was instructions for them to be there, wasn't it?

Mr. TREUER. No, sir; it was not. I explained when Mr. Kennedy asked me about this originally, that we had planned a publicity gimmick to call attention to the fact that the strike was still on, and our hope, sir, when this comment was made, was that there would be enough of a handful of people on this July 2 when the boat came in so that the reporters, if any were present, would be interested.

Sir, again, there was an interval of several days and several broadcasts before the incident of the clay boat took place.

Senator CURTIS. What other duties did you have for the union besides these radio broadcasts?

Mr. TREUER. My duties, sir—

Senator CURTIS. Did you get out any other form of publicity?

Mr. TREUER. Yes. Local 833 has a printed weekly publication, formerly known as the Kohlarian, now known as the Local 833 Reporter and Kohlarian. It was my responsibility to assist in the publication of this.

Senator CURTIS. What other publications did the union have?

Mr. TREUER. Local 833 also has a mimeographed strike bulletin, which, for a time, appeared daily, and subsequently, 3 days a week.

This is edited and published, sir, by the local union, and I would occasionally make efforts to help. This publication we considered almost exclusively a local union publication, and although I made advice from time to time, sometimes it was followed and sometimes it was not.

Senator CURTIS. Then were you an employee of the local union?

Mr. TREUER. No, sir; I was an employee of the international union.

Senator CURTIS. When did you come into that area?

Mr. TREUER. I came into that area as an employee of the international union in January of 1955, sir.

Senator CURTIS. From where?

Mr. TREUER. From Milwaukee, sir. I sold my home in Milwaukee and moved to Sheboygan.

Senator CURTIS. Isn't it a fact that the strikers were advised to listen to your radio broadcast for their strike instructions?

Mr. TREUER. No, sir.

Senator CURTIS. You are pretty sure about that?

Mr. TREUER. They were urged to listen. There may have been times on specific events, such as the one I described before, sir, when Allen Grasskamp read picketing instructions, that they were asked to listen for such instructions, but those would be the only events when instructions in the full sense of the word were involved.

Senator CURTIS. I have before me what purports to be the Daily Strike Bulletin, Kohler Local 833, UAW-CIO, volume 1, No. 6, for Saturday, April 10, 1954. This is a strike bulletin.

Mr. TREUER. The date, sir, was April 10, 1954?

Senator CURTIS. April 10, 1954. The sixth paragraph says:

Don't forget to tune in on the nightly radio broadcasts over WHBL at 6:30. This is your best way of getting important, last-minute information and instructions.

The strike bulletin is the instructions that you give out to the strikers; isn't that correct?

Mr. TREUER. Sir, the date of that strike bulletin was Saturday, April 10, 1954, about 8 months before I came to Sheboygan as an employee of the UAW. At the time you referred to, I was not an employee. I had no connection with either the bulletin or the radio program, and I do not know whether this was reference to specific instructions or to what.

Senator CURTIS. Understand, I am not holding you up as an individual responsible for this in your individual capacity, but here we have a situation where all of these things happened. You had that mob down there that is involved in the clay boat incident; a radio broadcast is made asking them to come down there; and you admit that you asked them to come down there, and you say, "Oh, no, we had nothing to do with that."

All of these acts of violence and vandalism happened. Nobody knows anything about them. Individuals that do not work at Kohler and do not live in the area come in there to take part in the strike. Some of them are arrested. We asked them:

Who directed things? Where did you get your instructions?

I didn't have any instructions.

Who told you to go down there?

No, I just wanted to go down there and do it.

I don't know who is kidding, but I don't believe anyone can accept the fact that this thing ran along without directions. The fact remains that right in the printed bulletin these strikers were advised to tune in and get their instructions.

Just before this incident, the instructions are given out over there.

Mr. TREUER. Sir, I wish I could be of more help to you on this specific reference, but, unfortunately, I cannot, because I was not there and do not know whether the April 10 bulletin had reference to some specific instructions forthcoming. But as to your question, sir, about direction, I think, sir, that I knew what I was doing or trying to do, and in regard to the incident you referred to at the end of your question, sir, in regard to the clay-boat incident, I will be more than happy to try to tell you, sir, what I saw.

Senator CURTIS. We will come to that later, I am interested in establishing this chain of command, the direction for this strike. I do not think there is anyone in this room naïve enough to believe that it went on without design, without instructions, and without commands.

It was the contention, and it has been the contention of all witnesses I have heard on behalf of the union, that this strike had the moral support of the vast majority of Kohler workers, and many people in the community.

When you twice appeal for them to come down to the dock, how, then, did you say you only expected a handful there to show up?

Mr. TREUER. Sir, that is all that did show up, because the broadcast was made on July the 1st. On July the 2d we had about 30 people down there. Subsequently to that, sir, several days passed by, several broadcasts passed by, without the urging of anyone's coming down, and the events on July 5, unfolded without any assist or incitement from myself or the UAW.

Senator CURTIS. Well, some days elapsed, but it was a continuous transaction. People didn't anticipate that boat to be unloaded on Sunday or on the 4th of July. Now I want to ask you: When did you first learn about the departure from its point of origin of this ship that carried the clay?

Mr. TREUER. Sir, I never learned about the time of departure.

Senator CURTIS. When did you first learn any information, or get any information, about the sailing?

Mr. TREUER. I believe, sir, the first knowledge came through the dispute in the city council, which was reported in the local newspaper. I cannot recall if the name of the ship was involved.

Senator CURTIS. Is that the first information the union had?

Mr. TREUER. That is the first information that anyone had, to my knowledge, except, of course, the Kohler Co. must have known. They sent Mr. Desmond down to see the mayor.

Senator CURTIS. I want to make another observation in connection with this lack of assuming responsibility on the part of the union for directing the strike, for giving instructions to participants and the like. This does not concern you, not you as an individual—or, not you at all.

But I am not satisfied with the investigation that has taken place here. We have it testified that there were over 800 acts of vandalism or violence, or annoyance, of some kind.

I think the staff of this committee ought to find out who did it. If the company is responsible for those acts and have committed a fraud against the public out there and against this committee, that ought to be established, and the truth of the thing shown up without mercy. On the other hand, if the union, if that part of the union conducting the strike, is responsible for these things, likewise it ought to be known. -

I do not think that they are accidental. I do not think when the same pattern shows up in many homes, having windows broken, and paint bombs thrown in, that it is a coincidence, of the same pattern, the same type of weapon.

I believe that witnesses should be gathered in and subpoenaed and questioned one by one until we find out who has done that. I do not believe that either party—and I don't care which one of them is guilty—should pretend that these things just happened. That is all, Mr. Chairman.

Mr. TREUER. Sir?

The CHAIRMAN. The Chair will make this observation: There is certainly no disposition on the part of this committee or any member of its staff not to get the facts and not to get the truth wherever we can find it. I have no doubt that there are plenty of people out there that know who did some of these acts. If we can find anyone who does know, who will talk, who will not perjure himself, who will come here and tell the facts, he will be brought here, so far as the Chair is concerned. But we must bear in mind that this was a highly emotional situation out there at the time. I believe the company employed detectives to try to ascertain who was committing the violence. This is some 4 years later, and it is not as easy to go and uncover who may have committed this vandalism 4 years afterward as it would have been at the time.

Local officers apparently didn't uncover it, and neither did the company find anyone, with the aid of its employed detective force, that it could make a charge against.

I think the whole thing is reprehensible. Such violence should not be tolerated, should not be permitted, and should be stopped if it is possible to do so. But I am not going to take the blame for this committee's not being able to dig it up 4 years afterward when the company has been working on it all this time and has not been able to come up with a single name of one they could charge.

Proceed.

Mr. KENNEDY. Mr. Treuer, you were at the dock on the day that the clay was supposed to have been unloaded, on July 5?

Mr. TREUER. Yes, sir. I arrived about the same time Mr. Desmond did.

Mr. KENNEDY. Would you relate what you found when you got there, and your account of the facts, as Mr. Desmond did yesterday?

Mr. TREUER. I arrived, to the best of my recollection, around 8 in the morning.

Senator ERVIN. Mr. Chairman, before we get away from the point just under discussion, I wish to associate myself with the remarks of the chairman, and to say that they express my views about this matter. I would also like to say that as a member of this committee if there is any human being on the face of the earth who can present any reasonable assurance that he can unearth anything that has not

been unearthed in respect to the perpetrators of the alleged acts of violence in connection with this matter, I, for one, will move that this committee employ him to conduct an investigation of the same.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. TREUER. May I proceed?

Mr. KENNEDY. Go ahead, Mr. Treuer.

Mr. TREUER. When I arrived at the foot of Pennsylvania Avenue there were some 30 to 40 people milling around the open entrance of the Hildebrand docks, possibly 100 or 200 people more were standing across the street and sitting on the open expansion of lawn in front of the Sheboygan Armory.

Parked in the street was a line of trucks and other heavy equipment, I presume unloading equipment. I believe that the station wagon described by Mr. Desmond was just about pulling in when I had parked my car and walked up to the gate myself to see what was going on. People were walking around in front of that gate. I heard the description of what may or may not have been a picket line. I can only tell you, sir, what I saw.

That was that people were striking back and forth between the gate to get a look inside.

Adjacent to the gate was a wooden fence, and if you are as short as I am, you can't look over that fence. You have to be quite a bit taller before you can. Most people were walking around in the open space there, trying to get a good look in. The station wagon pulled into the open area of the dock and parked.

The first ones to step out of that station wagon were, I believe, Mr. Joe Born and Paul Jacobi.

There was a bit of hooting going on from the people in the open gate, saying "Here come the speed kings. Here come the speed kings."

I don't think there is a time-study man in any factory in the United States who is too well loved by the employees, and this is especially true at Kohler where a lot can be said about the incentive system.

The CHAIRMAN. What did speed king have reference to?

Mr. TREUER. Speed king had reference to the fact that Paul Jacobi and Joe Born were time-study men, and, I am told, would hide behind pillars to observe men to see how fast they were working and if they were making too much money per hour, I suppose they would cut them down.

The CHAIRMAN. Those are just suppositions, but they were referred to as speed kings because of their attitude toward the employees; is that correct?

Mr. TREUER. That is my understanding sir.

The CHAIRMAN. That is your understanding.

All right.

Mr. TREUER. In addition, sir, Mr. Jacobi and Mr. Born had been on the witness stand for a considerable length of time in the NLRB hearing, and each of them had submitted several hundred affidavits citing striker so-and-so for being on the picket line, and striker so-and-so and on the basis of these affidavits, and other things the company made what has been referred to as Gestapo books activities of strikers. They weren't too popular, you might say.

The CHAIRMAN. What was intended as the total purpose of making the remark, was to say something uncomplimentary about them, that is the truth; isn't it?

Mr. TREUER. That is the truth.

The CHAIRMAN. And the purpose of being down there was to try to keep that boat from being unloaded. Why don't we say so? It is perfectly obvious.

Mr. TREUER. No, sir. I don't think any 30 people would—

The CHAIRMAN. I am not talking about 30 people. I am talking about when a big crowd gathers down there.

Mr. TREUER. I will try to explain how that developed.

The CHAIRMAN. I don't care how they got there. They were there. I don't care whether they walked or came in a car.

Mr. TREUER. There were that many people there later in the day, but as the whole chain of events unfolded, I will do my best to tell you what I saw.

The CHAIRMAN. All right, proceed.

Mr. TREUER. Jacobi and Born got out of the car, and I believe at least Mr. Jacobi walked up to the gate, or pretty close to it, and started taking pictures, then Mr. Desmond stepped out. I remember seeing him walk up and start to write down what obviously were names of people whom he recognized.

Then the person who was probably the most hated individual in the whole Kohler strike stepped out of that car, and the people that were there started yelling "Butcher, Butcher Boy."

The CHAIRMAN. "Butcher Boy"; is that right?

Mr. TREUER. Yes.

The CHAIRMAN. Go ahead.

Mr. KENNEDY. Who are you referring to?

Mr. TREUER. I am referring to Mr. Edmund Bieber, the plant manager of the Kohler Co., and I understand that the reason that the people shouted so much when Mr. Bieber made his appearance, and the reason they called him "Butcher Boy" was because Mr. Bieber was the man who fired the first shot in the 1934 massacre, and Mr. Bieber is the man who was in the headlines—

Senator MUNDT. Are you testifying from your personal knowledge that he fired the first shot, or are you just getting us involved in a long series of charges and countercharges? Were you at the strike? Do you know that? Or are you simply trying to pin something on someone without any proof at all? We ought to have some firsthand information. We do not have anything involving the shooting.

Mr. TREUER. I was told by Mr. Ed Ferguson—

Senator MUNDT. Who was he?

Mr. TREUER. Mr. Ed Ferguson was a Kohler Co. deputy in 1934—that he stood next to Mr. Bieber when Mr. Bieber fired the first shot, and, sir, in addition, there was testimony in the 1934 coroner's inquest into the death of these two men, that Mr. Bieber had, in fact, shot the first shot.

Senator MUNDT. Now you pin it down with names. That is what I wanted to know.

Senator CURTIS. I want to ask you something in that regard.

Mr. TREUER. Yes, sir.

Senator CURTIS. When was this shot fired?

Mr. TREUER. This shot was fired on the night of July 27, 1934, and what happened as a result two men were killed and many men and women were wounded, most in the back.

Senator CURTIS. From this first shot?

Mr. TREUER. That shot was apparently the signal for the firing to begin, and—

Senator CURTIS. Where was the man Bieber located when he fired it?

Mr. TREUER. Mr. Bieber, according to the testimony was in front of the American Club. He was the assistant chief of—

Senator CURTIS. Who did he shoot at?

Mr. TREUER. He shot at the strikers on the picket line.

Senator CURTIS. Did he hit any of them?

Mr. TREUER. He shot a tear gas canister which fell into the crowd, and was subsequently followed by a barrage of tear gas, described, sir, by Mr. Richard Davis, of the Milwaukee Journal and others, as being so extensive that a whole cloud of tear gas hung over High Street of Kohler Village and that men, women, and children alike were gassed, trampled, in utter confusion, and this was followed, sir, by a barrage of gunfire, in the course of which the injuries and fatalities took place, all, sir, on the side of the strikers and the spectators, none, sir, on the side of the Kohler Co. deputies.

Senator CURTIS. Was this investigated by a coroner's jury?

Mr. TREUER. This, sir, was investigated, to the best of my knowledge, by the coroner, at that time Mr. Sonnenberg and a coroner's jury sat on this question. Some months, I believe, or several weeks, after the fact.

Senator CURTIS. What was their decision?

Mr. TREUER. Their decision, sir, was that Lee Wakefield, a Kohler striker, and Henry Engleman—pardon me: Henry Engleman, a Kohler striker, and Lee Wakefield, a spectator, had met their deaths at the hands of a person or persons—ruthless persons—unknown.

Senator CURTIS. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman, I simply want to observe—and I have no objection to this, I want to get all of the facts I can, on this situation and on the UAW and on the Kohler Co.—I simply want to observe the glib manner in which the union representative has talked about 1934, even though he described what took place by looking through a knothole fence in some neighborhood yard in Milwaukee, which is a long way from Sheboygan. I don't want to complain about that. I simply want to point out to Mr. Mazey, if he is listening, how utterly silly he must look in view of this testimony, when he accuses me of trying to smear Mr. Sifton, because I went back to 1933. I am just 1 year behind him, at least.

Mr. RAUH. May I observe, sir, that the difference between the two cases is that you brought in Mr. Sifton, who is irrelevant to this hearing, and Mr. Treuer brought in Mr. Bieber, whose presence there instigated and triggered the difficulty.

That is the difference, Senator Mundt.

Senator MUNDT. I can think of another difference Mr. Chairman. The other difference is that in the first place certainly the legislative representative of the CIO is not what you would call no party to the UAW. But another very important difference is that I was quoting

Mr. Sifton about Mr. Sifton, rather than quoting what took place in 1934, from the eyes of a witness who lived in Milwaukee at the time.

The CHAIRMAN. All right. Let's move along. Are there any further questions?

Mr. TREUER. Sir, may I—

Mr. KENNEDY. Go ahead.

Mr. TREUER. The result, sir, was this, that Mr. Bieber, and we will bring this to 1955—

The CHAIRMAN. Let's get up there in 1955, where they were calling him Butcher Boy. Let's move from there and see what happened.

Mr. TREUER. All right, sir. Mr. Bieber, when he stepped out of the car down there at the clay boat, was making his first public appearance. It was the first time anyone knew that he was around, after he had evaded, I am told, seven attempts to subpoena him to the National Labor Relations Board hearing. The hearings had just then gone into recess, I believe for the holidays, after these, at least seven, unsuccessful attempts to subpoena him as a witness before the National Labor Board.

This, of course, was in the headlines. It had received quite a bit of public attention. Here Mr. Bieber steps out of the car. It was the first anyone had seen him. They had never yet successfully served him, to my knowledge, and I think if you had dropped a bomb in that crowd, you couldn't have done a better job, because the people streamed to the doorway to get a look at Mr. Bieber, and everyone was pushing everyone else for a position of a few inches of space in there to get a good look.

Senator CURTIS. Was that when Mr. Bieber was in the police car?

Mr. TREUER. No, sir; that happened later, the second time they sent Mr. Bieber into the area. By that time, the situation was quite different.

Senator CURTIS. Which was the second time? When was he in the police car?

Mr. TREUER. That, sir, happened, I would say, around 11:30 or noon. The first time Mr. Bieber came down was around 8 in the morning, and in the interval quite a few things happened.

Senator CURTIS. You were there both times?

Mr. TREUER. I was there both times, sir.

Senator CURTIS. Was Donald Rand there?

Mr. TREUER. I believe he was there. I couldn't say whether he was there both times.

Senator CURTIS. Is this police officer Detective Stubbler?

Mr. TREUER. I beg your pardon.

Senator CURTIS. Was the police officer, in whose car Bieber was, Detective Stubbler?

Mr. TREUER. You are referring to the second time Mr. Bieber came down?

Senator CURTIS. The time he was in the police car.

Mr. TREUER. I believe he was. I would have no way of knowing.

Senator CURTIS. And you believe Donald Rand was there?

Mr. TREUER. I couldn't say positively. I think he was. I have no clear recollection of him being there both times.

Senator CURTIS. He is the international representative; isn't he?

Mr. TREUER. Yes, sir; he is.

Senator CURTIS. Was Rober Bliss there?

Mr. TREUER. I have no recollection of seeing Mr. Bliss.

Senator CURTIS. Did you hear Donald Rand say anything to Biever as he was in that car?

Mr. TREUER. I heard Mr. Rand say nothing to Mr. Biever. I did hear Mr. Rand complain to a police officer about bringing Mr. Biever into this highly charged situation a second time, and I clearly remember Mr. Rand stating "What are you trying to do? Are you trying to start a riot?"

Senator CURTIS. When Mr. Rand spoke to Detective Stubbler, did he swear at him?

Mr. TREUER. Well, I don't know that it was Stubbler he spoke to. I will take your word for it, sir.

Senator CURTIS. Well, whoever the police officer was.

Mr. TREUER. I never heard Mr. Rand swear at a police officer, that or any other time.

Senator CURTIS. Did you see a striker reach through the car window at Biever and swear at him and tell him that he would take care of him?

Mr. TREUER. I didn't see anything quite like that. I saw the car window being rolled down and somebody inside the car, I presume Mr. Biever, yell out, but then my view was cut off.

Senator CURTIS. Did you see Rober Bliss, or hear him, yell at Biever, swear at him, and call him a rat, and tell him to come out of there?

Mr. TREUER. No, sir.

Senator CURTIS. Your knowledge of what happened in 1934 seems to be much clearer than what happened at this recent strike.

Mr. TREUER. Well, sir, if you will permit me, I will try to tell you what I saw.

Mr. KENNEDY. That is fine. Go ahead.

The CHAIRMAN. Proceed.

Mr. TREUER. When the station wagon was still at the dock site, and Mr. Buteyn, I believe it was the younger Mr. Buteyn, walked through the crowd and onto the dock side—

Mr. KENNEDY. Mr. Buteyn was down there with some equipment?

Mr. TREUER. Yes.

Mr. KENNEDY. To try to unload the boat?

Mr. TREUER. I presume so; yes, sir.

Mr. KENNEDY. Had he gotten the equipment into the dock area?

Mr. TREUER. No, sir; and I saw him make no attempt. He was continually talking to people, and then he walked through the people into the dock side. I saw him standing there talking, I believe, to Mr. Desmond and Mr. Biever. Then Mr. Buteyn walked back out.

Mr. KENNEDY. What time is this that you are talking about?

Mr. TREUER. I would say around 9 in the morning, roughly. Then Mr. Buteyn walked out. I believe he drove something in. I couldn't tell you what pieces of equipment they were. He told his drivers to take the rest of it away, and they drove off, thus clearing the street. I returned to my office. I returned again—no; I beg your pardon, sir, I did not then return to my office. Shortly after, Mr. Jacobi, Mr. Born, Mr. Desmond, Mr. Biever got back into their car, and they drove up to the gate, and the people were packed in there like sardines. The police officers came along and opened a path. I remember Mr.

Desmond stepping out of his car. I don't recall what he said, if anything. At any rate, the police came to clear the path. It took a minute or two. There was a lot of press there. By "press" I don't mean reporters. I mean people were pressing for a look. There were at least—there were several police officers who cleared the path. The car started to pull through, I think before the path was completely cleared.

They were trying to push their way through. The pavement curves down for the rain gutter. Sir, I don't know whether what happened then was an accident or whether it was the driver getting nervous, whether it wasn't his fault at all, I don't know.

I can only tell you what I saw happen, and that was this: There were still possibly 2 or 3 people in the path of this car. One of them was a police officer. When so many people are pushing around, it is difficult to get a clear picture. But I have a vivid recollection of myself and another fellow taking the police officer by the arm and pulling him toward us so he would not be hit by the car. He was just grazed. Then the car dipped down into the rain gutter, without completely stopping, and a woman—the next thing I saw was this woman was up on the hood of the car. I can't tell you how she got there, whether she was struck, which I doubt, or whether she had slipped up on the hood, or just how it happened. I do not know.

But I do know how it must have looked to the majority of the spectators who were across the street. They didn't have side views. They had a frontal view of the car, of the hood of the car, and the woman, and to them it must have looked terrible, because a shout went up.

You could hear the roaring. It was like waves, and the people surged across the street, and there was a shout, "There's Biever, Biever has done it again." These people surged across and they pressed around the car. They had a pretty difficult time getting out, but they did get out.

I saw the window——

The CHAIRMAN. The car had a difficult time getting out?

Mr. TREUER. Yes, sir. I saw—I know that the window was shattered at that time. How it happened, I don't know.

Mr. KENNEDY. Then you went back to your office.

Mr. TREUER. Yes. At that point I went back to my office.

Senator MUNDT. Before we leave the incident you have been describing—you saw all of this happen yourself, did you?

Mr. TREUER. Yes, sir; I did.

Senator MUNDT. Would you say that the car leaving the gate and going through the picket line was going in excess of 50 miles an hour?

Mr. TREUER. Do you mean coming out?

Senator MUNDT. Yes.

Mr. TREUER. No, sir. It was going very slow.

Senator MUNDT. How fast would you say it was going?

Mr. TREUER. It was going very slowly.

Senator MUNDT. About a walking speed?

Mr. TREUER. Slightly faster. About 5 or 10 miles an hour.

Senator MUNDT. I have never seen such an accident happen, but would you explain to me how a car moving at walking speed could hit a woman and toss her up on a car?

I am not convinced that ballistically that is possible.

Mr. TREUER. I didn't see the incident of how she got up on the hood or what.

Senator MUNDT. In other words, if she got up there, she had to climb up there, because a car moving at walking speed cannot possibly overcome the law of gravity sufficiently to toss a woman up on the hood of a car. You know that, and I know that, and everybody listening to this program knows that. She may have climbed up, she may have been tossed up, but to think that she was hit by a car at walking speed and tossed up—nobody is going to accept that.

Mr. TREUER. Sir, the phrase "tossing up" is not mine, with all due respect. How she got up there, I do not know. It could have been that she was trying to get out of the way, the same as the police officer was when they pulled toward us.

Senator MUNDT. Just a big, tall gal, walking out and stepping on top of the car. I understand it now.

Senator ERVIN. Mr. Chairman, if I may suggest, and I do not desire to enter a controversy, but I respectfully submit that it might be argued that when external force is applied to people, sometimes those external forces are like a mule. They don't kick as hard as no rule.

Senator MUNDT. If you are trying to interpret that in terms of how an automobile moving at walking speed can throw a full-grown widow on top of a car, I would like to have you explain it in some language other than mule language, because I can't understand it that way.

The CHAIRMAN. This witness said he didn't know how the woman got on top of the car. He doesn't know. The woman did get on top of the car somehow. You saw that after she was on there.

Mr. TREUER. I saw that, sir, and I saw the result.

The CHAIRMAN. You saw the commotion that it caused.

Mr. KENNEDY. Then you went back to your office?

Mr. TREUER. Yes, sir. I went back to my office. It would have been a pretty hectic day even without all of this business. We were moving that day into our present offices. They no sooner hooked up the telephone and the reporters started to call and wanted to know what was on. They wanted to know were our pickets down there, and we said, "Of course not. This is not a proper function—it is not a function of our union and we had no pickets down there, and we disavowed any involvement or any participation."

We told the reporters we didn't tell anyone to be down there.

Mr. KENNEDY. So then you went back down there later on?

Mr. TREUER. I went back several times.

Mr. KENNEDY. What did you go back for?

Mr. TREUER. I had a broadcast to make that night. I at least wanted to see what was going on, and I was as curious as about several thousand other people were. It is a human failing. A lot of us went down there.

Mr. KENNEDY. Did a lot of people start coming down there to the dock then?

Mr. TREUER. Yes, sir; a lot of people did. At that point, the program interruptions on the local radio station were frequent. As a matter of fact, when I went down the next time, I met the reporter for the local radio station. At that time there was only one station. He and I would walk up and down together. I have a vivid recollec-

tion, sir, of the curiosity, the interest being so great, that I saw one man come running down the middle of Pennsylvania Avenue; he had his bedroom slippers on, slacks and an undershirt, and he was running, I think as fast as he could, to get down to the foot of the street, and behind him came his wife dressed in a housecoat and also slippers, and she was holding out his shirt behind him trying to catch up with him. Please, sir, I am not trying to be funny, but this is a vivid recollection, and on a day like that, a few things like that do stand out in your mind.

The CHAIRMAN. It was the occasion of excitement, is that correct?

Mr. TREUER. Yes, sir.

The CHAIRMAN. Great excitement had been stirred up?

Mr. TREUER. Yes, sir.

Mr. KENNEDY. Were there many women and children down at the dock?

Mr. TREUER. I would say the crowd was at least half women and children, and I saw a large number of people whom I would judge to be of high-school age. I would say that the proportion of youngsters grew as the day went along.

Mr. KENNEDY. So then you went back at 11 o'clock.

Mr. TREUER. I went back and I was standing with Mr. Fisher. We heard a honking of horns and we saw a crane being pulled up on a big truck. As the truck pulled down Pennsylvania Avenue—

Mr. KENNEDY. How many people were down there at that time?

Mr. TREUER. I would estimate by that time there were a good 1,000 to 2,000 people. I will have to guess.

Mr. KENNEDY. That is about 11 o'clock in the morning?

Mr. TREUER. That is about 11:30 or so.

Mr. KENNEDY. So the company had made arrangements to unload the clay from the boat during this period of time; is that right?

Mr. TREUER. No, sir; that is not my impression. Because in order to unload that boat, and even Mr. Buteyn, who runs a trucking firm we heard yesterday, had to get Kohler Co. equipment to help him, if the company planned to unload it they didn't have the equipment there at that time. All they had was a crane. They also needed a substantial number, as I understand it, of trucks, caterpillars, and what have you. I am not that familiar with the procedure.

The CHAIRMAN. They never did get set up to unload it. The crowd kept them from getting in there with their equipment so they could unload it; isn't that a fact?

Mr. TREUER. Sir, if they had the equipment, they didn't bring it down, with the exception of one piece.

The CHAIRMAN. Well, they didn't get in there and get to use it, did they?

Mr. TREUER. I can only tell you what I saw, and that was one piece.

The CHAIRMAN. You say that, that they didn't get to use it.

Mr. TREUER. That is the point. In this incident, I saw one piece of equipment being brought in. They got down to the middle of Pennsylvania Avenue and started to turn in, and the crowd swarmed around it. This piece of equipment, unlike that morning when there were Mr. Buteyn's drivers, this time there were Kohler Co. supervision and, to use a euphemism, sir, nonstrikers in that truck. The crowd swarmed around it and stopped it. Mr. Fisher and I stood

across the street. We saw the crowd literally swarm around this piece of equipment and stop it. By the time we had made our way over to it, there was a flat tire and there was gasoline in the street. How gasoline gets into a truck, I don't know. But then the fire department came to wash it down, and more people came.

Mr. KENNEDY. Didn't somebody puncture the tank? Didn't you understand that?

Mr. TREUER. Most likely.

Mr. KENNEDY. Well it would have to be. The gasoline from the crane got into the street, so somebody would have to puncture the tank to make it possible.

Mr. TREUER. It could have been, sir, I don't know.

Mr. KENNEDY. Didn't you understand that is what happened? If you didn't know it then, you knew it later, did you not?

Mr. TREUER. I think the papers said that much.

Mr. KENNEDY. Then somebody punctured the tires on the crane?

Mr. TREUER. They were punctured by that time. The crane was stopped and couldn't move, and the crowd was all around it. And the police. From that time on, I didn't have much time left to spend at the scene, and this is substantially the extent of what I saw. I had to return to my office.

Mr. KENNEDY. Then you returned. Was there an international organizer for the UAW present at the time?

Mr. TREUER. At the time this crane was stopped?

Mr. KENNEDY. Yes. Mr. Rand was down at the dock during this period of time, was he not?

Mr. TREUER. I remember seeing Mr. Rand early in the morning, and he could have been there around 11:30 or so, and if he was, I could not say. I could not swear he was or was not.

Mr. KENNEDY. Did any representative for the UAW speak to the crowd and tell them to go home, or to let the Kohler Co. unload the boat if they wanted to?

Mr. TREUER. I know I have tried to say a few things in that regard early in the morning, and I was pretty roundly cussed and told it was none of my business, and it was none of the UAW's business, and it was the people around there.

Mr. KENNEDY. Did anybody talk to the crowd at all from the UAW, that you know of, and tell them that they should go home and allow the company to unload the boat?

Mr. TREUER. Not that I know of, sir.

Mr. KENNEDY. There were a number of international organizers, at least Mr. Rand was there, and there were a number of strikers present, were there not, or those people who were on strike, whether they were picketing or not?

Mr. TREUER. Yes, I think so.

Mr. KENNEDY. Don't you feel something could have been accomplished by having somebody from the union get up and tell these people to go home, that the company had a legal right to unload the boat, and that they should go home and not cause this difficulty and trouble?

Mr. TREUER. No, sir; I do not, because we did not tell the people to be down there. It was not our intent to stop the unloading and furthermore, when, in the morning, I did speak up to try and urge

people to let this Kohler Co. station wagon through, well frankly, I wasn't going to go over that kind of abuse once again.

Mr. KENNEDY. Possibly you didn't have the responsibility for having people down there, but certainly you had an obligation and responsibility to try to get them out of there, or make a contribution to ending this crowd and this mass, and this mob that was forming there.

Mr. TREUER. If I felt any responsibility, it was personal, and I tried to exercise it, and I was pretty roundly abused.

I would like to point out, sir, if I may, that the makeup of this crowd was not predominantly strikers. I recognized very few people that were down there, and, if pressed, I think I would be hard put to name them, because in the melee which kept growing, and more people coming there all the time, the process of identification becomes harder all of the time. I was not professionally engaged in identifying persons, as was Mr. Desmond, of the Kohler Co.

Mr. KENNEDY. You know of no other international organizer or representative of the local union that attempted to disperse this crowd?

Mr. TREUER. No, sir.

Senator ERVIN. Mr. Chairman, if I may ask a question there. There is no doubt in your mind that this time those on strike were desirous of preventing the clay from being unloaded, is there?

Mr. TREUER. No, but there is a doubt in my mind about that, sir.

Senator ERVIN. Would you tell me who would have an interest in preventing the clay from being unloaded other than those on strike?

Mr. TREUER. Sir, there have been several clay boats before this one, which were not interfered with in any way, and I have tried to tell you about the unusual circumstances which combined to create this incident, which no one, I think, could have predicted at the time except now in retrospect. If anyone would have benefited from the commotion, and the uproar, and especially the publicity that resulted, it was the company, and not the union.

Senator ERVIN. You haven't answered my question yet.

What persons were there who could possibly have any interest in preventing the clay boat from being unloaded except those on strike and those who sympathized with those on strikes?

Mr. TREUER. Sir, I think the Kohler Co. had to gain, not from the unloading or stopping of the unloading, but it was a foregone conclusion they would get their clay. That is the lawful process, and they would get the clay. I don't think anyone ever could have predicted they would not. But, from the creation of this commotion, and of the uproar, the company was able once again to say, "Look at these terrible union people," which is just what they did.

Senator ERVIN. Are you telling me that you believe, honestly, that people were inspired by the Kohler Co. to prevent the unloading of the clay boat?

Mr. TREUER. Sir, in my opinion, the presence of Mr. Biever triggered this thing, and, rather than give you my opinion today, if I may, sir, I would like to tell you what we said at the time.

Senator ERVIN. I would rather have you answer my question, first, and then you can explain and give any explanation. I am asking you the question, if you are endeavoring to intimate to this committee that,

in your judgment, the Kohler Co. had inspired an effort to prevent the unloading of the clay boat.

Mr. TREUER. I think they did, and I think that, like Topsy, it just grew. On the night of July 5, after all of this excitement, I would like to say, sir, what we said on the radio program, and I was asked earlier what we said on the radio program, and perhaps in part it will answer your question. I will try to. We said, sir, and this is the third paragraph in the script:

The Kohler Co., in its usual blundering fashion, almost set off a serious riot at least twice when they deliberately or accidentally—we don't know as yet—sent one of the most hated individuals in the long strike situation to the scene in person. This was none other than Edmund Biever, the long-missing plant manager who failed to answer seven subpoenas last week to appear at the NLRB hearing, but did show up this morning at the clay-boat dock. Nothing could have been more coldly calculated than his appearance to provoke an incident.

The fact that Biever made two appearances within the morning hours only aggravates this—

Excuse me—

only aggravates this, this show of Kohler Co.'s lack of understanding, or appreciation for feelings and emotions, especially from the day when the Kohler strike began to the 16th month.

Senator ERVIN. How many people were down there when he came?

Mr. TREUER. I beg pardon?

Senator ERVIN. How many people were down there at the dock when he came?

Mr. TREUER. When I came down in the morning?

Senator ERVIN. I am talking about when this man you said, Mr. Biever, came.

Mr. TREUER. The first time Mr. Biever came, there were probably 200 people there. Subsequent to that, of course, it was flashed out over the radio, and the second time, and not by us, sir, but by the reporters for the radio station, but, subsequent to that, when Mr. Biever returned, there must have been a good 1,000 or 2,000 people there, and the crowd continued to grow until in the evening hours, after the broadcast I referred to, which was ours and not the radio station's, that the police issued an appeal for strikebreakers or nonstrikers, as you wish, to please not come down there, because they were aggravating the situation.

Senator ERVIN. But there were 200 persons there before Mr. Biever came?

Mr. TREUER. Yes, sir; there were.

Senator ERVIN. Who were they? Were they strikers or nonstrikers?

Mr. TREUER. I am sure there were some strikers among them, but I would not say that they were all strikers.

Senator ERVIN. And are you telling me, or am I to understand you tell me under oath that you drew the inference that the strikers there were not interested in preventing the unloading of the clay boat?

Mr. TREUER. Sir, you bet they were interested. But who could have—

Senator ERVIN. That is what I am interested in.

Mr. TREUER. Sure, they were interested, sir; but what striker would want to help the Kohler Co. in any way? But, sir, I respectfully submit that, at that time, and as late as 8 or 9 o'clock that morning, no one could have visualized or imagined it. Who could have predicted that

45,000 people would have driven there over the weekend? Who was aware, although it was an obvious fact, that all Sheboygan factories were closed down on vacation.

Senator ERVIN. Anyway, did you not draw the inference, when they started in on the crane, that their purpose was to unload the boat?

Mr. TREUER. Sure it was, and I expected them to complete the unloading.

Senator ERVIN. And did you not infer, when the crowd stopped the crane, the progress of the crane, that they were intending to prevent it from being used to unload the boat?

Mr. TREUER. I certainly drew that inference.

Senator ERVIN. That is the inference that I draw, and I am glad you agree with me, and I wondered why you did not do so a little earlier. Now, certainly, you saw somebody puncture the gas tank of the truck or whatever was taking the crane.

Mr. TREUER. You say did somebody puncture the tires?

Senator ERVIN. Yes.

Mr. TREUER. They must have; yes, sir.

Senator ERVIN. You don't that was an accident, do you?

Mr. TREUER. Certainly it was not.

Senator ERVIN. And you don't infer that the Kohler Co. employees did that, do you?

Mr. TREUER. Sir, I think that was a result of a highly charged emotional setting and at most fear.

Senator ERVIN. And also the tires were punctured, which was not a natural result of an accident, was it?

Mr. TREUER. No, sir; and I told you when I first stated this thing, that the tires were punctured and the truck was surrounded and these things happened.

Senator ERVIN. That is all.

Senator CURTIS. But it is true that you did make an appeal over the radio for people to get down there when this boat came in, did you not? You have so testified, have you not?

Mr. TREUER. I testified that on July 1, at 6:30 in the evening, we made the announcement which was read into the record, sir.

Senator CURTIS. During the course of this strike, other clay boats had arrived and been unloaded without serious incident, is that not true?

Mr. TREUER. Yes, sir; and their arrival was covered not only in union broadcasts, but in other means, much more extensively and much more was said than I ever said on the night of July 1 about this one.

Senator CURTIS. Will you produce those broadcasts for our record?

Mr. RAUH. Yes; we will produce them.

Senator CURTIS. Now, here is what I want to point out, and this is not a question but this is a point that I want to make, Mr. Chairman:

The position is taken here that the people were invited to come down for the purpose of this "Navy" stunt, but not for the purpose of the things they actually did. As a matter of law, people are presumed to intend the natural results of acts they commit. Furthermore, in the labor case wherein the United Mine Workers were fined \$1,400,000 for contempt of court, in that case the defense was made that the union did not directly and formally call a strike.

The United States District Court here in the District of Columbia laid down the broad rule that a union functioning as a union is responsible for the mass action of its members. That is *US v. United Mine Workers* ((1948), 21 LRRM, 2721). Judge T. Allen Goldsborough declared that "Responsibility is not avoided by the use of a nod or a wink or a code instead of the word 'strike.'"

The decision was upheld upon appeal.

I do not think that there is any escape from the conclusion that the union was responsible for the mass action of their members in this particular incident.

Mr. RAUH. May we present at this time the findings of the trial examiner to the contrary? I think it ought to be in the record.

The CHAIRMAN. Has that not been made an exhibit for reference, the findings?

Mr. RAUH. I think that is right, sir, and I just wanted to call to your attention at this point, that this point has been litigated before a competent tribunal and decided contrary to the statement of the Senator.

The CHAIRMAN. Well, this committee is searching for information upon which to legislate. It is not necessarily bound by even the decision of the United States Supreme Court, if we want to change the law after hearing the facts.

Mr. RAUH. I am sure of that, sir.

The CHAIRMAN. Let us proceed.

Senator MUNDT. Mr. Treuer, before we conclude with you I think maybe you ought to straighten out the record a little bit about this woman on the hood of the car. You described your position as almost in front of the car because you said that you had a vivid recollection of what took place. You stated that you and a friend of yours had grabbed a policeman and jerked him out from in front of the car so he did not get hit.

You must have had a pretty good vantage point, and it seems to me you should be able to give us a better description, in your best opinion of how this woman got on the car, because you left it in a rather anomalous situation.

Mr. TREUER. I did my best, sir, to describe to you what I saw at the time that this business of how she got on the hood took place. I was at the side of the car, and the car had brushed by us, and we were all packed like sardines trying to stay away from the side of it.

Senator MUNDT. Would you agree with me, Mr. Treuer, that the best and most plausible and reasonable assumption based on your testimony this morning, is that this lady whoever she was, either climbed on to the car or was lifted up on the car by some of her friends, or some of the other people (and they might not have been friends) but some of the other people in the crowd?

Can you think of any other way in which she could have gotten there?

Mr. TREUER. I told you what I saw, and I can't add to it. I am sorry.

Senator MUNDT. You were there, you were right close by, and you were in front of the car and beside the car. You saw her there, and you were not over 10 feet away from her I presume when it occurred?

Mr. TREUER. That is right.

Senator MUNDT. So if there is anybody who is an eye witness, you are an eye witness, and I would like your best opinion as to how you think she got on that car.

Mr. TREUER. Well, if you want my opinion, and remember, sir, I did not see this, I only saw the result——

Senator MUNDT. All right, it is your opinion.

Mr. TREUER. The idea of her being lifted up I think is not possible. There were not, I don't think there were any people around her who could have lifted her up. It is possible.

Senator MUNDT. To get this clear now, she was out all by herself and no people around her.

Mr. TREUER. That is right, and again in my opinion, trying to get to a side, so that she would be out of the way. Whether she was caught in the press, unable to get——

Senator MUNDT. Press of what?

Mr. TREUER. Of people.

Senator MUNDT. You said there were no people around who could have lifted her up.

Mr. TREUER. It was clear, and she was behind the policeman.

Senator MUNDT. She could not have gotten caught in the press of people who were not there.

Mr. TREUER. She could have been unable to get into the place, out of the way.

Senator MUNDT. I would like to have you explain how—how a woman gets caught in the press of people who were not there. Maybe it can happen in Sheboygan, but it is hard for me to understand. Perhaps you can explain it.

Mr. TREUER. A lot of things happen in Sheboygan, but the crowd had been cleared.

Senator MUNDT. I don't want to put words in your mouth, and this is your answer. You are telling me that to the best of your opinion, the woman was caught in the press of people who were not there, and she got up on the hood of the car.

Mr. TREUER. That isn't quite right.

Senator MUNDT. If that is wrong, you straighten it out.

Mr. TREUER. The police cleared the way. They did their level best to do so and the people whom they cleared were pressed together to make a path for the car. This woman was still out behind the policemen who were standing next to each other and formed a line for the car to go through.

You asked me to speculate, and I told you what I saw, and now you ask me to speculate, and I speculate that any number of things could have happened that got her on top. You suggested she may have put herself there, and the possibility exists that as the car was slowly rolling down into the gutter, the driver unable to instantly stop, she was squeezed between them unable to get out.

Senator MUNDT. You are coming right back to the hypothesis that you want to deny.

Mr. TREUER. I can't tell you something that I did not see.

Senator MUNDT. You have no idea how she got there?

Mr. TREUER. That is my statement.

Senator MUNDT. Do you know who she was?

Mr. TREUER. I believe, sir, that she was Mrs. Ethel Frazey, but I don't know. I believe that is right. That is my belief.

Senator MUNDT. It is just incredible to me, the line of argument that you develop. The crowd, seeing a woman on top of a car, moving through a tightly pressed group with police escort, going at walking pace, and the crowd says, "Biever has done it again, he has hit this woman and knocked her up on top of the car," I just cannot follow this.

It is awfully hard for me to justify the reactions that you say the crowd had, on which you base the whole riot. This is important testimony and I want to give you every chance to fix this up any way you think it sounds best.

Mr. TREUER. I am trying to be as helpful as I can, sir.

Senator MUNDT. I know you are.

Mr. TREUER. And I recall when I first described the incident, that I said regardless of how it happened, and I did not see the moment of impact, if such there was, that to the people, most of whom were standing across the street, and they were sitting on the lawn, and standing on the sidewalk, they were a lot farther away, to them it must obviously—

Senator MUNDT. How far away were they?

Mr. TREUER. I don't know, sir, what the exact distance was.

Senator MUNDT. How wide a street was it?

Mr. TREUER. It must have been about 70, 80, to 100 feet away. To their vantage point, it must obviously have looked a lot more serious than it was—a lot more, because of the reaction.

I think in that instant the entire atmosphere that morning changed. Human reactions are strange to explain sometimes, and perhaps to you and to me, Senator—

Senator MUNDT. To this particular human getting on that car is awfully hard for you to explain, and awfully hard for me to understand. I must say that.

Mr. TREUER. It is hard for me to explain and understand as well, but I do know what the result was.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, and Curtis.)

Senator MUNDT. One thing you do know is that you saw here on the car.

Mr. TREUER. Yes, I did.

Senator MUNDT. All right.

The CHAIRMAN. Are there any other questions?

Counsel, do you have any more questions of this witness?

Mr. KENNEDY. No.

The CHAIRMAN. All right. Thank you very much. Call the next witness.

Mr. KENNEDY. Mr. Buteyn. Peter and Cornelius Buteyn.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PETER BUTEYN. I do.

TESTIMONY OF PETER AND CORNELIUS BUTEYN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. PETER BUTEYN. My name is Peter Buteyn.

The CHAIRMAN. Buteyn?

Mr. PETER BUTEYN. Buteyn. By residence is Sheboygan, Wis., 2532 North Seventh.

The CHAIRMAN. What is your business?

Mr. PETER BUTEYN. Grading, excavating, and black topping.

The CHAIRMAN. Do you have a company or do you just operate as an individual?

Mr. PETER BUTEYN. A company.

The CHAIRMAN. You have a company?

Mr. PETER BUTEYN. Yes.

The CHAIRMAN. Is it incorporated?

Mr. PETER BUTEYN. No, sir.

The CHAIRMAN. A partnership?

Mr. PETER BUTEYN. A partnership.

Mr. KENNEDY. Is Cornelius here?

Mr. PETER BUTEYN. Yes.

Mr. KENNEDY. Can we have him, too?

The CHAIRMAN. Come forward. In the meantime, do you waive counsel?

Mr. PETER BUTEYN. Yes, sir.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. CORNELIUS BUTEYN. I do.

The CHAIRMAN. What is your name?

Mr. CORNELIUS BUTEYN. Cornelius Buteyn.

The CHAIRMAN. Where do you live?

Mr. CORNELIUS BUTEYN. Clearwater, Fla., 2143 Gulf to Bay.

The CHAIRMAN. Clearwater, Fla.?

Mr. CORNELIUS BUTEYN. Yes.

The CHAIRMAN. Are you brothers?

Mr. PETER BUTEYN. Brothers.

The CHAIRMAN. Are you associated with your brother in the excavating business?

Mr. CORNELIUS BUTEYN. Up until July 1, 1955, I was associated with my brother in that business. Since that time I have been an employee of that business.

The CHAIRMAN. Since that time you have been an employee?

Mr. CORNELIUS BUTEYN. That is correct.

The CHAIRMAN. Where were you operating at that time?

Mr. CORNELIUS BUTEYN. I was operating end loaders and dump trucks.

The CHAIRMAN. Where?

Mr. CORNELIUS BUTEYN. Where were we operating?

In Sheboygan, the Sheboygan area.

The CHAIRMAN. You waive counsel, do you?

Mr. CORNELIUS BUTEYN. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Buteyn, the Kohler Co. had made arrangements with you to use your equipment and your services to unload the clay boat when it arrived in July of 1955?

Mr. PETER BUTEYN. Yes, sir.

Mr. KENNEDY. Was there a question at the beginning of July as to what day it would arrive?

Mr. PETER BUTEYN. That is right.

Mr. KENNEDY. And ultimately when it arrived on July 2, you made some arrangements to go down there very early in the morning or told them you would go down very early on the morning of July 5, around 5 a. m.

Mr. PETER BUTEYN. That is correct, sir.

Mr. KENNEDY. Did you load your equipment and start for the dock around 4 or 5 o'clock in the morning?

Mr. PETER BUTEYN. From Elkhart Lake.

Mr. KENNEDY. From Elkhart Lake where you were doing some other work?

Mr. PETER BUTEYN. That is right, sir.

Mr. KENNEDY. And you loaded your crane, a couple of tractors and 4 or 5 dump trucks; is that right?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. And you started down to the dock?

Mr. PETER BUTEYN. That is correct.

Mr. KENNEDY. You arrived at the dock site about 7:15 in the morning?

Mr. PETER BUTEYN. Approximately.

Mr. KENNEDY. And your brother, "Happy" Buteyn—that is your nickname?

Mr. CORNELIUS BUTEYN. That is right.

Mr. KENNEDY. Happy Buteyn was in the lead truck; is that right?

Mr. PETER BUTEYN. He was the first one there.

Mr. KENNEDY. When you arrived, Mr. Buteyn, Happy Buteyn, did Mr. Donald Rand of the UAW have a conversation with you?

Mr. CORNELIUS BUTEYN. Yes, he did, sir.

Mr. KENNEDY. As you approached the dock?

Mr. CORNELIUS BUTEYN. Yes, he did.

Mr. KENNEDY. Would you relate to the committee what he said to you?

Mr. CORNELIUS BUTEYN. Mr. Rand, Ray Majerus, and Ed Kalupa—

The CHAIRMAN. Speak a little louder.

Mr. CORNELIUS BUTEYN. Don Rand, Ed Kalupa, and Ray Majerus were the three people I talked to.

Mr. KENNEDY. K-a-l-u-p-a, Kalupa?

Mr. CORNELIUS BUTEYN. That is right.

Mr. KENNEDY. And M-a-j-e-r-u-s, Majerus?

Mr. CORNELIUS BUTEYN. That is right. And Don Rand. I arrived at the dock approximately 6:45—

Mr. KENNEDY. Just a moment, please.

Senator MUNDT. I know Mr. Rand is the International UAW rep. What is Majerus?

Mr. KENNEDY. He works out of the Milwaukee office.

Senator MUNDT. Who is the third man?

Mr. KENNEDY. I believe he had formerly been a Kohler worker but he worked out of the Milwaukee office, and Kalupa was a striker.

Senator MUNDT. One was a striker and two of them international reps.

Mr. KENNEDY. And Mr. Rand came up to you with these other two gentlemen and you had a conversation?

Mr. CORNELIUS BUTEYN. And they asked me why we would not cooperate. I told them at that time that I was—probably unbeknown to them and the general public at that time, that just 5 days prior to that we had dissolved the partnership and it would be up to my brother, senior partner, to make that decision at that time. He then told me “Well, if you don’t cooperate, we will pull out all the stops to prevent the loading and unloading of the clay.”

Mr. KENNEDY. Who said that to you?

Mr. CORNELIUS BUTEYN. Don Rand and Ed Kalupa.

The CHAIRMAN. They would pull out all the stops to prevent you from unloading the boat?

Mr. CORNELIUS BUTEYN. That is correct.

The CHAIRMAN. What did he mean by that?

Mr. CORNELIUS BUTEYN. I don’t know, sir, what he meant by it.

The CHAIRMAN. What impression did you get from it?

Mr. CORNELIUS BUTEYN. Well, the impression I got was probably by having mass picketing and enough people to make it very difficult to move heavy equipment or trucks through the lines.

The CHAIRMAN. In other words, he didn’t want you to unload that boat?

Mr. CORNELIUS BUTEYN. No, sir.

The CHAIRMAN. And he told you so?

Mr. CORNELIUS BUTEYN. Yes, sir.

The CHAIRMAN. And said he would pull out all the stops if you undertook to do it?

Mr. CORNELIUS BUTEYN. He said he would pull out all the stops if we attempted to unload the clay boat.

Senator MUNDT. Did you hear anybody shout out “If you don’t go home, we will look for you in an alley?”

Mr. CORNELIUS BUTEYN. I can’t recall it, sir.

Senator MUNDT. I will ask your brother. Did you hear anybody say, “If you don’t go home, we will look for you in an alley?”

Mr. PETER BUTEYN. Yes, sir.

Senator MUNDT. Somebody shouted that at you?

Mr. PETER BUTEYN. Yes, sir.

Senator MUNDT. That really looked, Mr. Chairman, as if they were going to pull out every stop that they had.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Buteyn, Peter Buteyn, you had some teamsters driving some of these trucks?

Mr. PETER BUTEYN. Yes, sir, we did.

Mr. KENNEDY. What had been the agreement or arrangement as far as their going through and picking up the clay?

Mr. PETER BUTEYN. Our drivers, sir, all went on a voluntary basis; those who objected to going, we found other work for them for those few days.

Mr. KENNEDY. So these were volunteers?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. Did you have some conversations with Mr. Rand about these drivers bringing the equipment into the dock?

Mr. PETER BUTEYN. No, I did not.

Mr. KENNEDY. Did you have any conversations with him following the conversation that Mr. Rand had with your brother?

Mr. PETER BUTEYN. Yes, well, I was the second one, Mr. Kennedy, to arrive at the dock that morning, and I noticed that there were two people talking to my brother. It appeared to me as though they were arguing. I immediately walked over there and asked what the trouble was. Well, we walked away from the truck that my brother was driving, and he, again, asked me what the reason was for not cooperating with the union, and they certainly would appreciate it if we would cooperate, that certainly this strike couldn't be settled with people like us around.

So in the process of this discussion there was a lot of profanity used. At that time I did not know Mr. Rand or any of the union representatives. So first of all I asked them to stop for a moment, and I asked them to refrain from using profanity, which I objected to. Secondly, I wished that he would identify himself, because I was unaware of who he was and who he represented. At that time, he told me his name and who he represented. He asked me again if we wouldn't—

The CHAIRMAN. Who was it?

Mr. KENNEDY. Mr. Rand, and he said he represented the UAW?

Mr. PETER BUTEYN. Right.

The CHAIRMAN. All right.

Mr. KENNEDY. Go ahead.

Mr. PETER BUTEYN. During the discussion, then, again, he asked me why we wouldn't cooperate, and in a few weeks this strike would be settled and everybody could go back to work, and it certainly would be beneficial to me.

Well, I said that was a matter of opinion. I felt I had obligations to meet and also had obligations to other people, which had treated me fairly over a period of 20 years.

He said, "If you have obligations to meet, that should not be no problem, because if you will cooperate we certainly could arrange for any payments at the bank that have to be made, if that is necessary."

Well, I said, "That would not be necessary at all." I hadn't reference to that alone. In the word "obligations" I had reference to the Kohler Co. also. So about that time the first dump truck arrived and the driver stepped out of the cab, walked through the gate, at which this line had assembled, and Don Rand left me immediately and followed this driver into the dock area. I became alarmed and started to walk in that direction also, but in a minute they came out together.

I asked my driver what had been done, and he said, "Well, all that Rand told me to do" or the man, he didn't know who he was, he said, "All that man asked me to do was not to attempt to go through there again."

I told all of my drivers as they arrived, including the one that had gone through the line, to please stay in there in their cab and do nothing until this thing was in more orderly fashion that morning.

The circumstances that prevailed down there, we were not going to attempt to go through that line under those circumstances.

Unless this mob was cleared away and the line was removed, we wouldn't attempt to go through. But I didn't want anyone to be injured.

Senator MUNDT. Mr. Buteyn, do you live in Sheboygan?

Mr. PETER BUTEYN. Yes, I do, sir.

Senator MUNDT. Have you lived there for some little time?

Mr. PETER BUTEYN. All my life.

Senator MUNDT. Do you know a lot of people in Sheboygan?

Mr. PETER BUTEYN. I do.

Senator MUNDT. Did you know any of the people standing and moving and walking in this picket line?

Mr. PETER BUTEYN. Not by name.

Senator MUNDT. Did you recognize them as being strikers or non-strikers? Did you know whether they were employees of Kohler? Did you know that?

Mr. PETER BUTEYN. Those that were walking on the line in front of the entrance primarily were strikers.

Senator MUNDT. In other words, the picket line was primarily comprised of strikers?

Mr. PETER BUTEYN. Yes.

Senator MUNDT. Of course, there were other people gathered around as spectators, and so forth?

Mr. PETER BUTEYN. A lot of them.

Senator MUNDT. Let me ask you, do you know Mr. Allen Grasskamp?

Mr. PETER BUTEYN. I do.

Senator MUNDT. Was he there?

Mr. PETER BUTEYN. I saw him only in the afternoon, Senator.

Senator MUNDT. The incidents you are describing up until now have taken place in the morning?

Mr. PETER BUTEYN. Right.

Senator MUNDT. We will get to him later. I do not want you to get to the afternoon until you are ready to come to that part of your testimony.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. With whom was this conversation about you had obligations?

Mr. PETER BUTEYN. With Donald Rand.

Senator CURTIS. And this is the man who has identified himself as Donald Rand?

Mr. PETER BUTEYN. Right.

Senator CURTIS. Did he say what his job was or who he represented?

Mr. PETER BUTEYN. He told use that he represented local 833, or the UAW.

Senator CURTIS. And this conversation, when you said that you had certain obligations, you meant the obligation to do the job you had planned to do; is that what you were talking about?

Mr. PETER BUTEYN. Both, Senator. I had financial obligations also. But I primarily was interested and concerned about the obligation that I owed to the Kohler Co. who, for over a period of 20 years, had treated me as fair as any organization could.

Senator CURTIS. Tell me again, what did he say would be done about any obligations that might exist at the bank or financial obligations?

Mr. PETER BUTEYN. He told me that if it was financial obligations which would be necessary, certainly a loan from the union could be made possible in order to take care of that period if I refused to unload

the boat, and, therefore, become obligated and was unable to pay, due to my not unloading the boat.

Senator CURTIS. And in offering you financial assistance, he offered it in behalf of the union?

Mr. PETER BUTEYN. Right.

Senator CURTIS. And not in his own personal capacity alone?

Mr. PETER BUTEYN. Well, I assumed that, sir.

Senator CURTIS. That is all.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. Yes.

After this initial incident, you left the dock; did you, personally?

Mr. PETER BUTEYN. Yes. During this time—I arrived there at about 5 after 7; after milling around there up until approximately 7:30, there was still no policeman there, and I became rather alarmed with all the name calling that was going on. My bookkeeper just at that time arrived, and I asked him whether he would take me up to the police station a minute, and I would ask for some policemen. So as we left the area, we were going west on Pennsylvania, approximately a block from the area where this scene was taking place I saw a squad car parked behind what is a little rootbeer stand, and from there the two officers in the car were watching as to what was going on down there, but made no attempt, in my opinion, to come down, where they belonged.

So I went up to the police station, and asked—I believe I talked to Mr. Zimmerman. I asked him whether or not they felt that they were obligated in any way in connection with what was taking place at the dock. In approximately 5 minutes from that time, I don't recall how many policemen arrived, but I do feel that it was not over 4.

Mr. KENNEDY. Did you go back to the dock then?

Mr. PETER BUTEYN. I went back to the dock.

Mr. KENNEDY. What did you decide to do?

Mr. PETER BUTEYN. After approximately another half hour or an hour, I forget, time passed rather rapidly that morning, and I am not certain about all of the time quotations, I walked into—during the time that I was gone, the Kohler Co. officials must have arrived into the dock area, and about 8 o'clock or a quarter after 8 or 8:30, somewhere in there, I walked into the dock area and told the Kohler Co., Mr. Beaver, Mr. Born, and Mr. Desmond, that it was impossible for me to unload the boat under these conditions.

So I then told them that I was going to tell all of my equipment to pull off of Pennsylvania Avenue. At that time, they asked me whether or not my truck and trailer would be available to them in the event that they wanted to move their own equipment down there to unload, and I said it would be.

Mr. KENNEDY. You felt that it was impossible for you to unload because of this crowd?

Mr. PETER BUTEYN. Yes.

Mr. KENNEDY. And then a representative of the company spoke to you about leasing the equipment and their trying to unload the clay themselves?

Mr. PETER BUTEYN. Just the truck and trailer to move their crane down. Our cranes were already pulling out.

Mr. KENNEDY. Did you agree to do that?

Mr. PETER BUTEYN. Yes, sir, I did.

Mr. KENNEDY. With whom were those conversations?

Mr. PETER BUTEYN. With Mr. Beaver.

Mr. KENNEDY. So you did make arrangements for them to lease this equipment, is that right?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. And they did lease it. What happened as far as the crane was concerned?

Mr. PETER BUTEYN. Before I go into that, Mr. Kennedy, there is one point yet. Before I left the dock, all my drivers and equipment left, and a Mr. Harold Minten, an employee of mine, and myself, stayed, because we had 2 tractors, small ones, very small ones, ours were all larger but these were very small which were used in the hatch in the boat. They were on my trailer, but they belonged to the Kohler Co.

I asked them what they wanted to do with the two small tractors, and they said I should unload them. So I unloaded those and parked them on the street. After my truck had pulled away, I, myself, attempted to put them into the dock area, where they would be safer than out on the street.

I stood in front of the line, then, on the first tractor that I attempted to run through, I stood right in front of the line that was in front of the entrance, and stood there approximately 15 minutes, with a lot of name calling going on in the meantime. A picket captain, and I am sorry I do not know his name, I have tried to find out but have been unable to do so, walked up to me and said, "Pete, I feel badly about all the name calling, the things that have gone on here this morning. I don't agree with them."

He said, "What do you want to do?"

I said, "I want to run these two small tractors into that yard and then I want to leave." He said, "I will see what I can do for you."

He walked into the line and talked to someone, again I don't know who it was, and he came back and said, "O. K., run it in."

The line opened up, I ran the two small tractors in, parked them, shut them off, and I walked out. That is when I left, until approximately 11:30, when I came back, but stayed approximately a block from the area.

Mr. KENNEDY. For what reason did you come back at 11:30?

Mr. PETER BUTEYN. I was curious to know what was going to happen.

Mr. KENNEDY. What did you see at that time?

Mr. PETER BUTEYN. I saw my truck and trailer come with Kohler Co. employees, with their crane on, attempting to go into the area.

Mr. KENNEDY. How many people were there at that time?

Mr. PETER BUTEYN. A rough guess, Mr. Kennedy?

Mr. KENNEDY. Approximately.

Mr. PETER BUTEYN. I would say anywhere from 300 to 400.

(At this point, Senator Ervin left the hearing room.)

Mr. KENNEDY. And you got down into the area. Did you learn what happened then?

Mr. PETER BUTEYN. No. I was too far away. I saw the mob surging into the area where the truck attempted to turn in. I heard some shouting going on, and so on and so forth. I saw the fire department

come. But, actually, as to what, all that happened, I was too far away.

Mr. KENNEDY. This is what you foresaw, that this type of thing or this might go on if you tried to move the crane in, is that right, that there would be a major problem as far as getting the crane into the dock area?

Mr. PETER BUTEYN. That is what I thought.

Mr. KENNEDY. Had you expressed yourself to Mr. Beaver and to the representatives of the company?

Mr. PETER BUTEYN. I told them that it was impossible for me to, I thought, for me to unload under these conditions.

Mr. KENNEDY. How did they think they would be able to do it if you were unable to do it?

Mr. PETER BUTEYN. I couldn't answer that, Mr. Kennedy; I don't know.

Mr. KENNEDY. But what you prophesied was correct, because when they got the crane down there, they could not get it through the crowd; is that right?

Mr. PETER BUTEYN. That is right.

Mr. KENNEDY. You went home and then around 1:30, did you receive a telephone call?

Senator MUNDT. Before we leave the crane, we had some testimony by the young man from the radio station that somebody punctured the gas tank of the truck carrying the crane. Did you have any information about that? Did you see that or learn about that?

Mr. PETER BUTEYN. As I mentioned, Senator Mundt, I was approximately a block away from that actual scene. I was aware of it, of course, in the afternoon, when I got back there, and had to check all the damage that was done. But we will get to that.

Senator MUNDT. O. K.

Mr. KENNEDY. About 1:30 you received a telephone call from the mayor of the city, Mayor Ploetz?

Mr. PETER BUTEYN. Yes.

Mr. KENNEDY. And he was very demanding and insistent on what he wanted you to do?

Mr. PETER BUTEYN. Yes.

Mr. KENNEDY. He wanted you to get the crane out of there?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. Would you recite briefly in your own words what he said to you, what you said to him, and what agreement you finally reached?

Mr. PETER BUTEYN. First of all, I was ready to leave for Elkhart Lake when the phone rang, and Steen Heinke, who is now chief of police, was on the phone and requested me to move the equipment off of Penn Avenue. I told him at that time that, as far as I was responsible, I was unaware of any equipment on Penn Avenue that I was responsible for. He said, "Well, your name is on the truck." I said, "That is possible. I wouldn't know." But, I said, "We have trucks that are leased to other parties who might have a truck on Penn Avenue."

But I felt that I was not responsible for the truck on Penn Avenue.

After talking for a few minutes, he said, "I will let you talk to the mayor."

The mayor came on the phone and said, "Mr. Buteyn?" And I said, "Yes," and he said, "I demand that you come over here immediately and move this equipment off the street. It is a hazard."

I said, "I have taken all the demands for 1 day that I will take, whether you be mayor or anyone else."

He said, "I will have a few policemen come over there and pick you up and put you in jail."

I said, "It might be safer there than on the streets of Sheboygan."

After some more persuasion, he was unsuccessful, and he said, "How can I get you to move this equipment? I have called everybody in Sheboygan and they said they are unable to move it because of its weight and you are the only one capable of removing it."

I said, "I'll have to get orders from the Kohler party who brought that equipment into the dock. It is not my responsibility."

He said, "Will you take orders from me." And I said, "I just got through telling you I am not taking orders from you today." He said, "Would you do me a favor and call the Kohler Co.?"

And I said, "Now you are talking my language. I will do that."

So I called the Kohler Co. and asked them what I should do; whether they wanted me to move it or didn't want to move it.

They said, "Pete, if you want to move that equipment, it is your responsibility. We are not going to tell you to move it. We are not going to tell you not to move it. It is up to you. If you want to volunteer your services to the city of Sheboygan or the mayor, it is up to you entirely." I said, "O. k.; fine." I called the mayor back and told him my answer.

Senator MUNDT. What was your answer?

Mr. PETER BUTEYN. I told them I would voluntarily move it on the basis that I would be given protection, more so than I received that morning, and he promised me that.

Senator MUNDT. Do you mean police protection?

Mr. PETER BUTEYN. Police protection.

Senator MUNDT. And the mayor promised you protection at that time?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. So you went down to try to remove it?

Mr. PETER BUTEYN. Yes. I arranged to call a tire shop to pick up 10 or 12 of our spare tires, which was necessary to replace because with flats on, with 27 tons, I was unable to move it.

Mr. KENNEDY. In the meantime, you had been informed that the tires of the crane had been punctured and flattened?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. And that the gas tank had been punctured also?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. And that the gasoline tank had been cut?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. Was there any other equipment damage that you knew of at that time?

Mr. PETER BUTEYN. An inch rod pushed through the radiator, distributor wires pulled off, lights pulled off, windows shattered.

Mr. KENNEDY. So you got your equipment and went down to the dock. What did the mayor say to you when you arrived back at the dock?

Senator MUNDT. Now, we are back on the truck and I will ask my question. Was there more than one flat on the truck?

Mr. PETER BUTEYN. There were approximately 10 flat tires.

Senator MUNDT. Ten?

Mr. PETER BUTEYN. Ten.

Senator MUNDT. How many wheels are there on the truck?

Mr. PETER BUTEYN. Eighteen.

Senator MUNDT. Ten flat tires at one time, that is worse luck than I have ever had. I have had a couple. But 10, that is a lot of flats.

Also, I heard some testimony or read it in the paper, but I want to get it right. Did they cut the air hose on the truck which controls the braking mechanism?

Mr. PETER BUTEYN. Yes. All the air hoses were cut.

Senator MUNDT. In other words, the braking mechanism was destroyed?

Mr. PETER BUTEYN. The only thing that held the truck there was the fact of the terrific load on that and the flat tires.

Senator MUNDT. In other words, if it started rolling, it would have created quite a bit of havoc in a crowd like that?

Mr. PETER BUTEYN. Correct.

Senator MUNDT. It would have killed a lot of people?

Mr. PETER BUTEYN. That is right.

Senator MUNDT. Nothing was holding it except the inertia established by 10 flat tires.

Mr. PETER BUTEYN. That is right.

Mr. KENNEDY. You went back. Did the mayor ask you to make an announcement at that time?

Mr. PETER BUTEYN. When he arrived, Mr. Kennedy, the mayor had a loud-speaking system kept up, and our pickup came in.

Zeller's Tire & Equipment Co. came in with all the spare tires on. We pulled in alongside the policemen, who cleared a way; we pulled into our equipment. We started to pull the tires off the pickup and, before we got 1 tire off the pickup, 1 tire on the pickup was flat.

We kept on unloading them. A few moments later, the mayor asked whether or not I would be willing to make an announcement over the loudspeaker system to this extent; that we were going to pull this equipment not only away from there, but also—I should change that testimony, Mr. Kennedy.

The crowd kept on shouting, "Ask Mr. Buteyn to make the announcement over the loudspeaker system that he not only is willing to pull this equipment back to the Kohler Co., but will promise never again to unload a clay boat."

The mayor put the mike in front of me and asked me whether I wanted to make that statement, and I said, "Absolutely not." That was the extent of that conversation.

Mr. KENNEDY. Was he making announcements? Did the mayor make an announcement?

Mr. PETER BUTEYN. He made a few announcements, referring to the fact that we were only interested in removing this equipment off the street, and that it was going back to the Kohler Co., and that no clay boat was going to be unloaded at this time.

Mr. KENNEDY. And that you should be allowed to change the tires and get the equipment out of there?

Mr. PETER BUTEYN. That is right.

Mr. KENNEDY. But, as you were trying to change the tires to put the new tires on, they were flattened, too; is that right?

Mr. PETER BUTEYN. It happened 3 or 4 times over, Mr. Kennedy.

Mr. KENNEDY. Finally, did you find that it was impossible to get the equipment out of their way, also?

Mr. PETER BUTEYN. That is right. Because, as fast as we put them on, they were again damaged.

Mr. KENNEDY. Did you talk to Captain Heinke of the police department then?

Mr. PETER BUTEYN. No. I believe I went back to the mayor.

Mr. KENNEDY. Did you request more protection?

Mr. PETER BUTEYN. I requested more protection, and not only that, but I told them if this continued on we were going to leave. I told him that 3 or 4 times. He pleaded with me to stay and try it again.

Mr. KENNEDY. Did you get more protection?

Mr. PETER BUTEYN. I would say not.

Mr. KENNEDY. Did Mr. Heinke, of the police department, give you some protection?

Mr. PETER BUTEYN. Yes. He put two policemen right with me at all times, because we were receiving threats at all times.

Mr. KENNEDY. Were you able to change the tires then?

Mr. PETER BUTEYN. We were able to change them a little faster than what they were being made flat again.

Senator MUNDT. You were gaining on them?

Mr. PETER BUTEYN. A little bit.

Mr. KENNEDY. Did you get another tractor down there then? Was another tractor called down?

Mr. PETER BUTEYN. I finally called the county highway department, which I felt was a neutral party, and asked them whether or not they would be willing to give us a truck to pull this thing out, regardless of the damage on it, and not attempt to make all the repairs there. After he called the union hall and got permission from them, they agreed to bring a truck down and hook on, which we did at that time. In order to get the truck down the hill, I, myself, took it and put it in the lowest gear that I possibly could, hoping that the transmission would not break in the process of doing that, for fear it would then roll and we would have then no way of stopping it, and also, approximately—I would say, that was at a quarter to 6 or somewhere in that neighborhood, when we hooked on to it.

I also had sent word back to our shop to ask Brother Happy to bring the trailer to remove these two small tractors off the dock area which I had earlier run in, in the morning.

The mayor had agreed to that. I also asked Don Rand about that in the afternoon, whether or not we would be given permission to load those two tractors out. In the morning, he had time to talk to me. In the afternoon, when I made the request, he said he had nothing to do with this.

Mr. KENNEDY. You did get the crane out through the help of the county; you were able to get the crane back to the Kohler Co.?

(At this point Senator Curtis withdrew from the hearing room.)

Mr. PETER BUTEYN. I did.

Mr. KENNEDY. Your brother, Happy Buteyn, knows more about getting the tractors out?

Mr. PETER BUTEYN. Right.

Mr. KENNEDY. You came into there to drive the tractors out?

Mr. CORNELIUS BUTEYN. Yes, sir.

Senator MUNDT. Before we get to that, I have a question for the first gentleman. You are the most intimate witness we have had as to what took place there. You were personally involved, and you went back, and you finally got the truck out. In your opinion, was this just a spontaneous uprising of the strikers, or was there somebody in charge of the operations down in this place?

Mr. PETER BUTEYN. Do you ask me for my opinion, Senator?

Senator MUNDT. That is correct.

Mr. PETER BUTEYN. My opinion is that there definitely was someone in charge. That is my opinion.

Senator MUNDT. And, in your opinion, who was this individual who was in charge?

Mr. PETER BUTEYN. More than likely, there was more than one. I would say the union would cover that statement.

Senator MUNDT. Have you any idea, judging solely on your observation, because you are not a union member—but I am asking you for your best opinion—and after you observed what took place at this particular spot, in your opinion, could you name one or more union members who seemed to you to be in charge?

Mr. PETER BUTEYN. No. The only one that I was introduced to that morning was Donald Rand, and I didn't know any of these people, Senator Mundt.

Senator MUNDT. Did it seem to you that Donald Rand seemed to have some authority in connection with what was taking place there?

Mr. PETER BUTEYN. He certainly appeared to have, with me, in the morning.

Senator MUNDT. I have shared a feeling with Senator Curtis—the feeling that a strike, any strike, has to be masterminded and directed by someone, and that we have been listening to a lot of guff by some of these outside union representatives who would have us believe that they simply wound up in Sheboygan on a happy Sunday evening with no idea of where the union headquarters were, what they were supposed to be doing, and they meandered their way around for 3 or 4 months at the rate of \$90 a week.

I have listened to it, but I haven't believed a single word of it. I am convinced somebody has to mastermind it. I see nothing particularly wrong with it. How are you going to run a strike without somebody being in charge? But I kind of hate to be kidded so long by so many in that connection, because it is too great a strain on the credulity of this particular Senator from South Dakota.

I wanted to ask you whether it looked to you like this was just a spontaneous, unregulated shifting of humanity or whether somebody seemed to be a spokesman. As I interpret your testimony, to the best of your opinion, the spokesman appeared to be Mr. Rand.

Mr. PETER BUTEYN. That's right.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. I have a few more questions.

I want to develop the fact that you tried to get the tractors out of the dock; is that right?

Mr. CORNELIUS BUTEYN. Yes, sir.

Mr. KENNEDY. And you put blocks under the tractor so that you could drive them up on the trailer?

Mr. CORNELIUS BUTEYN. Mr. Kennedy, let me explain, if you will, I drove the trailer and tractor up to the dock area, after having permission from the police department to go through the barricade to try to get the two tractors, the D-2 tractor and the Cletrac owned by the Kohler Co. parked in the area.

I parked by the gate to the dock. I stepped out of the cab of the truck to lay the blocks down so that I could put the tractors on to the lowboy. I went in to the dock area. I started up one tractor and came out to the gate with it, but I could not get through the line, because there were a lot of people there. I didn't want to put the thing in gear and push the tractor through. I appealed to the police officers and they did what they could at that particular time.

But there was one individual that refused to move. I finally put the thing in gear and moved it as slowly as I possibly could, and finally got by him that way. When I got up to the lowboy, these blocks were kicked out of the way. That meant I had to get on and off of that tractor 3 or 4 different times to place those blocks. Finally I got a shot at the lowboy with the tractor, because the blocks stayed there good enough so that I could attempt to load it.

Mayor Ploetz got up on the low bed of that trailer and said "Take that thing back in the dock area where you got it from, you are inciting a riot."

After giving permission to my brother in the late afternoon to go down and get them out of there—

(At this point, Senator Ervin entered the hearing room.)

Mr. CORNELIUS BUTEYN. The police officer told me, "Happy, you better comply." I was not going to comply, because I didn't know who Mr. Ploetz was. But I did comply because a police officer told me "Happy, you better comply." He is the boss. "We can't help you no more."

I then returned and took the tractor back in the area. That meant I had to walk back through the mob again on the street. Then I happened to get close to Mr. Donald Rand again and I appealed to him, I said, "Hey, what is the deal here? This morning you asked us to cooperate, and now this for just trying to get the equipment out of here."

I refuse to repeat in the presence of this committee and ladies and gentlemen in this building here what he told me at that particular time.

He said "I don't even want to talk to you."

Senator MUNDT. Who do you mean by "he"?

Mr. CORNELIUS BUTEYN. Donald Rand.

The CHAIRMAN. The Chair is going to direct you to write it down and submit it as an exhibit for the committee's information.

Mr. CORNELIUS BUTEYN. Now, sir?

The CHAIRMAN. No; but you may do it. It will be under oath. I would like to see what was going on down there.

Senator MUNDT. I think we should have it as an exhibit.

The CHAIRMAN. I have ordered it, but I do not want it on the air. I would like to see what it looks like.

Proceed.

Mr. KENNEDY. You took the tractor back to the dock area, is that right, after these instructions?

Mr. CORNELIUS BUTEYN. Yes, sir.

Mr. KENNEDY. Then you tried to walk back to your own truck and trailer?

Mr. CORNELIUS BUTEYN. Yes; I did.

Mr. KENNEDY. At that time, were you kicked as you walked back?

Mr. CORNELIUS BUTEYN. Yes; I was.

Mr. KENNEDY. Were you kicked very badly?

Mr. CORNELIUS BUTEYN. I was kicked severely on my legs, sir.

Mr. KENNEDY. And you still have some scars from that?

Mr. CORNELIUS BUTEYN. Yes; I have.

Mr. KENNEDY. Did you have to go to the hospital on that?

Mr. CORNELIUS BUTEYN. No, sir.

Mr. KENNEDY. But you still have scars.

Mr. CORNELIUS BUTEYN. Yes; I have.

Senator MUNDT. Did anybody call you, as you walked through the picket line, did anybody holler at you and say "You are nothing but a dirty, filthy, scum—a dirty, filthy, scummy scab?"

Mr. CORNELIUS BUTEYN. "Slimy scab." That was Don Rand, sir.

Senator MUNDT. He said to you "You are nothing but a dirty, filthy, scummy scab?"

Mr. CORNELIUS BUTEYN. That is right.

Senator MUNDT. He was the same international rep from the outside whom your brother believes to be in charge of the incidents that took place. Let me ask you: You were there also. Do you believe that this was a spontaneous occurrence here, or did somebody seem to be planning this effort to keep you from moving your equipment and delivering your equipment?

Mr. CORNELIUS BUTEYN. That is the way it seemed, sir.

Senator MUNDT. Who would you think seemed to be in charge?

Mr. CORNELIUS BUTEYN. Well, I testified to the fact that I talked to Don Rand, Ed Kalupa, and Ray Majerus in the morning, and I left that area that morning, sir, at 8 o'clock, and I didn't come back to the dock area again until that evening at 6 o'clock.

Senator MUNDT. When you came back, who did you see there again?

Mr. CORNELIUS BUTEYN. Sir?

Senator MUNDT. When you came back, who did you see there then that you recognized?

Mr. CORNELIUS BUTEYN. Well, at 6 o'clock in the evening, there probably were a couple of thousand people there, Senator. I couldn't tell you. Many of them, I suppose, were strikers, and many of them were spectators. I did talk to Don Rand that night at 6 o'clock, like I just have testified.

Senator MUNDT. In other words, you saw him in the morning when you got there, and you saw him in the evening when you left?

Mr. CORNELIUS BUTEYN. That is right.

Senator MUNDT. When was it that he called you a dirty, filthy, scummy scab?

Mr. CORNELIUS BUTEYN. Six o'clock in the evening.

Senator MUNDT. I suppose that is not the occasion when you developed the nickname of Happy Buteyn, but some other occasion gave you that nickname.

Mr. CORNELIUS BUTEYN. That is right.

The CHAIRMAN. Is there anything further?

Senator MUNDT. I think we should have for the record—or maybe they have it or can prepare it—the extent of the financial damage to this equipment which you have been describing.

You described the rods through the radiator and so forth.

You probably have the figure available. How much was the financial damage involved?

Mr. PETER BUTEYN. We had 5 engines, a total of 5 engines, in which we determined some foreign material was put in. These were diesel engines. The exchange prices on all of them varied from \$825 to \$1,000, without the labor of taking the old one out and putting in the new one. In 3 of those, the foreign material that was found in there was enough to warrant the insurance company positive proof and on that basis they paid, for 3 of them.

Two of them are still pending and what will happen we are unaware of at this time.

The truck damage which was done down at the dock was approximately \$1,000 to \$1,100, somewhere in that neighborhood. I don't recall that exactly. And which also our insurance company paid for.

Senator MUNDT. I am not concerned whether the insurance company paid it or whether you paid it. That is your personal problem. I am trying to find out the total amount of the damage to equipment and property that occurred in this instance, the flat tires, the cutting of the hose, the rod through the radiator. Now you are talking about the foreign material in motors and so forth.

I am not going to hold you to an exact figure, but roughly, rounding it, what would you say altogether was the total damage to all of the equipment that was damaged?

Mr. PETER BUTEYN. I would say between \$6,000 and \$7,000.

Senator MUNDT. Between six and seven thousand dollars?

Mr. PETER BUTEYN. That is right.

Senator MUNDT. Part of which the insurance companies paid, and I suppose part of which you got stuck for yourself?

Mr. PETER BUTEYN. That is right.

Senator MUNDT. Thank you.

The CHAIRMAN. Let the Chair ask you one final question: Is there any doubt in your mind that this operation down at that time was being directed by Donald Rand, the representative of the international union?

Mr. PETER BUTEYN. If there is any doubt in my mind, Mr. Chairman?

The CHAIRMAN. Is there any doubt in your mind about it?

Mr. PETER BUTEYN. There is no doubt in my mind but that he played a part in it, Mr. Chairman. Whether he played it alone or not, I wouldn't dare to say. There might be others with him.

The CHAIRMAN. But he was playing a part?

Mr. PETER BUTEYN. Definitely.

The CHAIRMAN. Thank you very much. You may stand aside.

The committee will stand in recess until 2:15.

(Whereupon, at 12:44 p. m. a recess was taken until 2:15 p. m. of the same day, with the following members present: Senators McClellan, Mundt, and Ervin.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at the convening of the session are Senators McClellan, Ives, Mundt, Goldwater, and Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Donald Rand.

Mr. RAUH. I am sure he is on the way over, Mr. Chairman, from the hotel. He will be here in a second.

The CHAIRMAN. We will be at ease a moment.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Before we start to hear any other witnesses, I have a request. I have not discussed it with any witness, but we have heard repeated charges here about murders being committed in 1934. Several union witnesses have repeatedly brought up this charge, especially this morning.

A man was identified as the one who fired the first shot. It is not alleged that that shot murdered anyone. I believe that in the light of that, we should at this time let the company present a witness, very briefly, confined to that point only, and made any statement that they wish in reference to it. That is my request.

The CHAIRMAN. Do you have the name of the witness you would like to hear?

Senator CURTIS. I do not know. Mr. Conger would be all right, if he can do it.

The CHAIRMAN. All right. Come forward, Mr. Conger.

TESTIMONY OF LYMAN C. CONGER—Resumed

The CHAIRMAN. You have been sworn, Mr. Conger.

Mr. CONGER. Yes, Mr. Chairman.

The CHAIRMAN. You will remain under the same oath.

Senator CURTIS, proceed.

Senator CURTIS. Mr. Conger, you were in the committee room this morning?

Mr. CONGER. I was, Senator.

Senator CURTIS. And did you hear the witness make reference to the 1934 strike, and state that there were murders committed in it?

Mr. CONGER. I did.

Senator CURTIS. Do you have any statement you wish to make in reference thereto?

Mr. CONGER. Yes, Senator; I have.

Senator CURTIS. All right. Confine it to that and boil it down as much as you can.

Mr. CONGER. I want to state first that contrary to all the witnesses that have appeared previously here, I am testifying as an eyewitness to that occurrence. I was through the entire strike, saw the entire proceeding, saw the riot of the night of July 27, and saw what occurred.

That strike started, unlike this one, over a question of recognition, which was finally settled, adversely to the striking union, by a National Labor Relations Board election. For 12 days, our plant was kept com-

pletely closed by a mass picket line which blockaded all the entrances and even kept the office employees out.

The only one who was allowed to enter and leave at will was Walter Kohler, Sr., then president of the plant. After the 12th day of the strike, the pickets turned back a coal car which they had agreed to allow to come in to provide necessary power for the powerhouse.

They had made that agreement through Father Maguire, a Federal conciliator. The village deputies went out, after they had turned the coal car back, went out and got it in. They went along the picket line and told them that they could picket in the future legally, that they would not be restricted with their picketing, but they had to permit free egress and ingress to the plant.

They also disarmed the picket line of several barrels full of clubs, slingshots, stones, rocks, and so forth, some of which we now have in this very city and which can be produced as exhibits if it is necessary.

This occurred in the morning. Throughout that day, the tension was very high. There were yells from the picket line, "Wait until tonight. We are coming in and get you yellow rats tonight. Wait until it gets dark. We will get you."

I am now testifying, Senators, as to things that I personally heard. That evening, as soon as it was dark, about 8 o'clock at night, a riot had started simultaneously on each end of the plant. I will say that the village deputies in the afternoon had carefully policed the grounds——

Senator CURTIS. Who do you mean by village deputies?

Mr. CONGER. At that time, Senator, we had one village policeman, and the village had sworn in some special village policemen when the strike started. Those are the ones that I refer to as village deputies.

Incidentally, I served as one myself, Senator. I was duly sworn in as a law-enforcement official. At that time I had no direct connection with labor relations. I may say that I had an indirect connection as an attorney.

But the village deputies had cleaned up all loose stones, all rocks and so forth. At about 8 o'clock that night simultaneously on two different ends of the plant, the north end and the south end, at as near as we can determine the exact moment, a riot began with the smashing of windows.

Everything that was valuable was smashed; everything that could be smashed was smashed with rocks and stones. They proceeded to move, the two groups, together toward the center of the plant, and finally arrived at the office, smashing everything on the way.

Senator MUNDT. Was this riot out of the picket line, outside of the gate, or was this something that took place inside the grounds? Where did this riot take place?

Mr. CONGER. This is outside of the grounds, Senator, outside of the plant fence, or, in some cases, where the buildings abutted onto the street itself.

Senator MUNDT. What windows are you talking about that were being smashed?

Mr. CONGER. Those were windows in the plant, in the pottery building, in the south foundry building. They smashed the windows in the employment office and in the medical building.

Senator MUNDT. How did they smash them if they were way outside the fence?

Mr. CONGER. The ones that were outside of the fence—when I say the fence, the fence is about 10 feet from the buildings. There were portions of the plant grounds where the windows were not smashed, where it was too far away from the fence.

They also had a little gimmick, Senator, of what they called an "inner tube sling shot." Two men would hold an inner tube, a complete inner tube, and the third man would pull it back with a half a brick on it and those things would go quite a ways. One of them happened to miss my head by about 4 inches and the brick that was thrown went up against a brick wall and was smashed all to pieces.

Another one of those bricks went through a plate-glass window on the second floor of the medical department, went across the entire medical department, which is somewhat wider than the spot where I am sitting now from the committee, and imbedded itself in a plaster wall. That is the force that those things carried.

Eventually, this mob met, the two groups met, in front of the office.

Senator MUNDT. Still outside the picket fence?

Mr. CONGER. Still outside the fence of the office, Senator, abutting on the street. They came rushing in there.

Senator MUNDT. None of us, so far as I know, have ever been in Kohler Village, nor have we seen the plant. I started envisioning this as a plant surrounded by a fence, the plant being perhaps two or three hundred feet inside the fence.

If you would describe what you are talking about, it would make the picture a lot clearer to us.

Mr. CONGER. I believe possibly I may have some pictures here that I would like to submit to make it clearer, but I will also try to describe it, Senator.

On the front of the plant, in most places, the fence is not more than 10 feet from the factory buildings, and in some cases the factory buildings abut right on the street. The office abuts right on the street. It is recessed back.

Senator MUNDT. You are telling us now that in some places the factory building is really part of the fence?

Mr. CONGER. That is correct; and in other places it is not more than 10 feet from the fence.

The office, of course, abuts directly on the street, or it is recessed from the street but there is no fence to prevent one from getting to it. The medical building and the employment office abutted directly on the street.

Senator MUNDT. So when they met in the middle, as you say, how far were they from the building?

Mr. CONGER. When they met in the middle, they were right up against the building, Senator.

Senator MUNDT. Fifty feet, forty feet?

Mr. CONGER. No; 5 or 10 feet. They would rush right up on the steps of the office and hurl rocks through the windows and through the doors. Everything was smashed there. Nothing happened up until that time.

Now, I will depart from the eyewitness part of it. I do know that before this happened or while it was happening, a squad car of the

village police was stoned and practically demolished, as far as anything demolishable was concerned. A county probation officer who happened to be driving through the area at the moment had her car stoned, the windows smashed, and she had to take refuge in one of the buildings.

After they had smashed everything that was smashable in the office, they were yelling, "We will go in; we will tear the place down. We will get those rats out." Shouts arose from the crowd, and I am now going back to the eyewitness or the ear witness part of it, if you please.

There arose shouts from the crowd, "Let's get the village. Let's tear the village down. Let's burn the village down." At that time, the village police, and I may say that Mr. Edmond Beaver, who has been mentioned here, was on leave of absence from the company at that time, acting as assistant chief of the village police.

As I said, when the strike started, the village had 1 policeman or I believe, 2. I believe they had 1 on days and 1 on nights. At that time, the village police opened up with gas, with tear gas, and sought to split—

Senator MUNDT. Where were the village police? Were they inside the plant, outside the plant, in the picket line, off the picket line? Where were they shooting from? What were they shooting at? Let us get the picture so we can understand it.

Mr. CONGER. The village police that I am talking about were on the outside of the plant that evening. We had some people, including myself, who had been deputized as village police, but who stayed entirely within the plant and did not go outside of the plant until later in the evening, until this particular episode was all over.

But I did. As this riot started, I went down to the south end, to the south foundry, as it is called, and I followed the rioting and the window smashing all the way up to the office and when they got there, I went into the office and soon on the inside of the office, because we feared that they would probably rush the office and come in.

I heard these shouts and yells from the outside, and then the village police fired the gas into the crowd. They sought to, and they did, divide the crowd into two parts and drove part of it to the south and out of the village and part of it out of the north and out of the village.

At that time, I left the office and followed along the inside of the fence up to the north end to see what was happening there.

Senator MUNDT. You used the phrase, "out of the village." To me that means they drove them out of town. Is that what you are talking about?

Mr. CONGER. They drove them out of town; yes. I think properly speaking of the village now, as of the residential portion and not the village limits, which went some distance. They drove them across on the north side, they drove them across the State Highway 23 and there was at that one time one building on the other side of that.

But otherwise, it was what you might call farmland.

Senator MUNDT. How many people were shot?

Mr. CONGER. At that stage no one was shot.

Senator MUNDT. At this stage they were using only tear gas?

Mr. CONGER. At that stage they were using only tear gas.

Senator MUNDT. Did Mr. Biever fire the first tear-gas gun?

MR. CONGER. I understand that he did, Senator. I did not personally observe that, but I understand that he fired the first one.

Senator MUNDT. Did he fire this from within the plant or from outside the plant?

MR. CONGER. No, sir. He fired it from the American Club lawn, which is directly opposite the office.

Senator MUNDT. What is the American Club?

MR. CONGER. The American Club is a building that we have to house the single people of the organization. It is, I might say, between a hotel and a boardinghouse.

Senator MUNDT. Inside the fence or outside the fence?

MR. CONGER. Outside the fence and across the street from the plant.

Senator MUNDT. Some place between the plant and the Grant Hotel, I guess?

MR. CONGER. That is right, only it is a little different direction than you would go to go to the Grant Hotel.

Senator MUNDT. Around the world——

MR. CONGER. Well, I would say about three to four hundred feet from the office, and outside. Then when they got up to that point, very unfortunately, the wind changed and a strong northern wind came up and they were unable to use gas anymore.

The gas was driven back into the village. In fact, I got a little sample of it myself that night. At that point, the mob re-formed and started yelling, "Let's go back into the village." They came back into the village and completely destroyed the company's showrooms, fixtures.

There was a shoe store on the corner where a man was living and running a little shoestore, a shoe-repair shop. They smashed the windows on that; bullets were fired on that. At that time——

Senator MUNDT. What were they shooting at the shoestore man for? Was he a Kohler official?

MR. CONGER. Not an official, but he was a Kohler Co. employee. Excuse me. I am sorry. He was not at that time a Kohler Co. employee, either.

Senator MUNDT. They must have had some reason why they would shoot at a shoestore. He must have been connected somehow with the company, was he not?

MR. CONGER. Well, there was a lot of indiscriminate shooting from the other side there, Senator. That is what I was just getting to. There were flashes of firing coming from the mob.

Senator MUNDT. It is now dark, I take it? This was at night?

MR. CONGER. This was at night. This riot started about 8 o'clock at night, and this that I am talking about now, would occur about 9:15 at night. It was completely dark and very dark because they had smashed all of the lamps and the street lights were out.

We could see these flashes of fire coming from the mob. The deputies who were up at that end, and they included both sheriff's deputies and village deputies, returned some of that fire and approximately, exactly, 35 people were shot.

No one knows to this day, and the coroner's jury was unable to find out, whether they were shot by shots from the mob or from the deputies. I think, myself, there was some of each. After this riot was over we finally discovered that there had been shooting long before they got to that point, shooting from the mob, I mean.

We discovered bullet holes in the windows of the powerhouse. We discovered several bullet marks in the tower of the office and we also found one bullet hole in a residence in the village, which apparently was fired. Some of these deputies were fired directly upon.

Mr. KENNEDY. How many of the deputies were shot?

Mr. CONGER. None of the deputies were shot, but about 18 of them were injured that night with clubs, rocks, bricks, injured severely enough to require medical attention.

Mr. KENNEDY. How many were actually shot?

Mr. CONGER. There were 35 people actually shot.

Mr. KENNEDY. How many of those were deputies?

Mr. CONGER. None of the deputies were shot.

Mr. KENNEDY. How many people inside the plant were shot?

Mr. CONGER. No one inside the plant was shot, but several people inside the plant were shot at.

Mr. KENNEDY. How many people were killed?

Mr. CONGER. Two people lost their lives.

Mr. KENNEDY. Were any of those people deputies?

Mr. CONGER. No, and may I say, of the 35 people shot, including 1 who was killed, the majority of them had never been a Kohler Co. employee.

Senator MUNDT. That does not mean anything unless you describe who they were. Were they outside union men brought in as they were in this last strike? Were they spectators who lived around there? Were they passersby? Who were these people who were killed, who were not either Kohler Co. employees, management or strikers who were there?

Mr. CONGER. They were strike sympathizers from Sheboygan, who came out to participate in the riot. There was plenty of time, Senator, between 8 o'clock in the evening and the time that this shooting finally took place, for anyone who did not want to participate in that riot, to get out of town.

There was an hour and a quarter. I might also say that we, of course, clearly saw this thing coming. We heard the threats in the afternoon. The village president issued a proclamation, asking people who had no official connection, or no business there, to please stay out of the town and not interfere with the efforts of the law-enforcement officers to keep law and order.

Mr. KENNEDY. Mr. Conger, you mentioned Father Maguire. I have a quote from Father Maguire, who was evidently present then or shortly thereafter. He stated:

I have been in many strikes, but I never saw such needless and ruthless killing by supporters of the law.

He says in reference to the trouble in Kohler before the troops arrived:

But it is understood that most of the people were shot in the back last Friday. The ruthlessness is evident. You do not have to shoot people in the back when they are running away. I examined a score of wounded and all except two were shot in the back.

As a member of the Chicago Regional Labor Board, I am not going behind fences to say what I have to say. There are human rights and property rights, but human lives are more sacred than property rights. A deep wrong has been done in this county and you should go to the bottom and discover who was responsible, and those should be punished as they deserve.

The CHAIRMAN. Are you familiar with that statement?

Mr. CONGER. I am very familiar with it, Senator, yes, sir. I will say that I disagree with it completely. I also—not also, but I did, and I am afraid Father Maguire acted and made that statement a good deal on hearsay, because I was going to get to this. The company was sued by some 28 of these people that got injured in the riot, making the same charges and the same claims that are now made.

It was a part of my duty as a lawyer to investigate this thing. I investigated it. I investigated the medical records of just how these people were shot and where they were shot. I can tell you that there were not 20 shot in the back. There were a few shot in the back, but I think this committee heard the testimony of Gilbert Moede here, who saw one shot in the back running from the mob toward the plant and shot from the picket line.

That is as I interpret his testimony here.

Mr. KENNEDY. You disagree that, "There are human rights and property rights, but human lives are more sacred than property rights"? Do you disagree with Father Maguire?

Mr. CONGER. No, sir, I do not disagree with that, but I thought the brick that was directed to my head was directed to a human being. I want to tell you that there were human beings endangered that night. This is not just a question of property rights. We are human beings too.

Mr. KENNEDY. How many people in the plant were shot?

Mr. CONGER. None were shot, but as I told you before, about 18 of them were injured, injured severely enough to require medical treatment. There were many more that I know sustained injury.

Mr. KENNEDY. I think that the point Father Maguire makes is that perhaps the property of the plant was hurt by bricks coming through the widow. Perhaps that was a problem for the company, but there was no excuse, no reason, to fire on a lot of defenseless people and shoot 35 of them, and kill 2 of them.

There cannot be any excuse for it. I am astounded that you come up here and try to excuse it.

Mr. CONGER. I am just as astounded that you would not read the Wisconsin State statutes which require law enforcement officers to quell a riot. I can tell you this, Mr. Kennedy, having had experience with a few of them, that the longer you allow a riot to go, the harder it becomes to quell and eventually it is going to take something out.

There were people endangered, lives endangered, with that riot, that night including mine and including many of these deputies who were trying by as peaceful methods as they could to keep order. This shooting from the other side was not a joke. It was not directed at property. It was directed at human beings.

Mr. KENNEDY. I think you can tell pretty much from the results, and the results are that the people who were shot and the people who were killed were those on strike. I do not think you can get away from that, Mr. Conger.

Mr. CONGER. I do not think you can get away from the fact that that was the mob that was attacking, either.

The CHAIRMAN. Let me ask you about those in the plant that were injured. How were they injured?

Mr. CONGER. Senator, I do not believe anyone in the plant was injured. The ones I am talking about—

The CHAIRMAN. I thought you said there were 18 in the plant.

Mr. CONGER. No. I said 18 deputies were injured. If I said in the plant I misspoke, Senator. I am sorry.

The CHAIRMAN. I may have misunderstood you, but I thought you said 18 in the plant were injured.

Mr. CONGER. If I did, I did not mean to say that. There were 18 of the village deputies who were injured severely enough.

The CHAIRMAN. How were they injured? By gunshot?

Mr. CONGER. They were injured by bricks, by clubs, stones. I do not think any of them were shot.

The CHAIRMAN. None of those were shot, but they were injured by external violence?

Mr. CONGER. They were. And many of them were injured long before any shooting started.

The CHAIRMAN. Are there any further questions?

Mr. CONGER. If you please, I have not completed my statement. May I continue?

The CHAIRMAN. You have a prepared statement that you are going to present sometime. I thought they just wanted to interrogate you about the shooting at this time.

Mr. CONGER. That is all I wanted. But I wanted to finish up with that.

The CHAIRMAN. You may.

Mr. CONGER. The coroner investigated this thing, as Father Maguire suggested be done, and the coroner's jury returned a verdict that the shooting was by persons unknown. The coroner issued a statement that these persons came to their deaths in the course of a riot and that the deputies, both village and sheriff's deputies, were acting in the line of their official duties.

After that, the union put some of these people up to suing the company. They made the same charges as are now being made, that these were company guards that did the shooting, that it was a conspiracy to do the shooting.

They sued, among others in the Kohler Co., Mr. Walter Kohler, president of the Kohler Co., Mr. Herbert Kohler, Robert Kohler, Walter Kohler, Jr., John Case, who was a village policeman, Ernest Shilke, and Edward Biever. The Edward was wrong; it should have been Edmund, but it was the same gentleman of whom we have heard here.

That was a rather unusual suit, gentlemen, in that the plaintiffs never tried to bring it to trial. I was representing some of the defendants. I was representing the Kohler Co., and we noticed for the trial.

I would like to submit as an exhibit that notice of trial, showing that we forced it to trial. I would also like to submit as an exhibit the fact that when we forced it to trial, and they were compelled to come into court and try to prove their charges under oath, they dropped that suit and their lawyer promised never to start it again.

The CHAIRMAN. The first item, the notice, may be made exhibit 53.

(The document referred to was marked "Exhibit No. 53" for reference and may be found in the files of the select committee.)

The CHAIRMAN. What is the other item?

Mr. CONGER. The first one is the notice of trial.

The CHAIRMAN. The notice of trial has been made exhibit 53.

Mr. CONGER. I would like to make another exhibit the dismissal of the action, showing that it is dismissed at the motion of the plaintiffs' attorney.

The CHAIRMAN. That may be made exhibit No. 54.

(The document referred to was marked "Exhibit No. 54" for reference and may be found in the files of the select committee.)

The CHAIRMAN. They use the term, "dismissed with prejudice." What is dismissed with or without prejudice?

Mr. CONGER. It was not dismissed with either. Possibly technically without prejudice, but the attorney for the—we argued that point in court at the time, Senator, and the attorney for the plaintiffs said he would orally promise he would never bring it again. The judge did not require it to be dismissed with prejudice.

The CHAIRMAN. At any rate, the suit was brought; it was never tried. It was dismissed and it has never been brought again?

Mr. CONGER. That is correct.

The CHAIRMAN. Period.

Mr. CONGER. There is one other suit I would like to mention.

Senator MUNDT. Let me inquire. To me, that is a curious development, not being a lawyer and not being sued very often and not wanting to get sued. There must be some reason. They must have given some reason. It does not seem to make very good sense to me.

You sue somebody to collect some damages and then you drop the suit. What reason did they give? Does it show in this exhibit? If not, can you tell us? Was it in the newspapers? I would like to know why they did not go through with the suit.

Mr. CONGER. It is a reason that I think would be quite familiar to this committee at this time, that they could not get a fair trial in Sheboygan County where this thing happened.

Senator MUNDT. In other words, they said that the judge would not give them a fair trial—or the jury?

Mr. CONGER. Well, judge or jury or both, that they could not get a fair trial in Sheboygan County or in any adjoining county.

Senator MUNDT. Can you not get a change of venue in Wisconsin when you have a suit, so you can get a fair trial?

Mr. CONGER. Yes; you can get a change of venue to an adjoining county.

Senator MUNDT. It has to be in an adjoining county?

Mr. CONGER. That is true in a criminal action. I am not sure, but what in a civil action, they can get it in another county.

Senator MUNDT. Anyhow, they dropped the allegation or the suit on the ground that they could not get a fair trial in Sheboygan County?

Mr. CONGER. Yes; in the county in which these things occurred. I want to mention that there is a transcript and this is something I forgot to do before. There is a transcript of testimony before this coroner's jury. At least 8 to 12 witnesses who have no connection with the Kohler Co., never had, or with Kohler Village, testified on that suit, to seeing shooting from the mob toward the deputies. I believe that a transcript of that has been ordered by the staff of this committee.

At any rate, I have one here. The reason I say 8 to 12 is there were about 4 witnesses who were called and who did not testify because they said, "Well, my testimony will be the same as the fellow ahead of me. I was with him." The fellow ahead of him had testified to seeing shooting from the mob.

Senator MUNDT. Is that something that you can put in as an exhibit? I think that will keep popping up in the course of these hearings. We would like to examine it and perhaps ask questions from it. If it is something that is not too voluminous, I think it should be an exhibit.

Mr. CONGER. We will be glad to, Senator. It is very voluminous, but we will furnish it.

Senator MUNDT. Would that be accepted as an exhibit, Mr. Chairman?

The CHAIRMAN. What is that?

Senator MUNDT. Could that be accepted as an exhibit—a transcript of the coroner's jury?

Mr. CONGER. That is a copy of the transcript before the coroner's jury.

The CHAIRMAN. Is that all of the testimony?

Mr. CONGER. Yes.

The CHAIRMAN. It may be made exhibit No. 55 for reference.

(Document referred to was marked "Exhibit No. 55" for reference and may be found in the files of the select committee.)

Mr. CONGER. I will have to provide it later. I do not have it with me here.

The CHAIRMAN. That is all right. Turn it over when you get it. We will make a note of it to the clerk and it will take its proper place.

Mr. CONGER. I would like to present as an exhibit, also, the record of an order for judgment in a suit which Kohler Co. brought against the county of Sheboygan, and we have a statute in Wisconsin which makes the municipality liable for riot damage, if it does not control the riot and doesn't do it. It makes it absolutely liable if there is a riot, except in the case, and I want to call attention to this, that if this riot damage is in any way caused or assisted by the person who is damaged, they cannot recover.

We did recover in that suit, and I would like to submit that as an exhibit.

The CHAIRMAN. It may be made exhibit 56 for reference.

(Document referred to was marked "Exhibit No. 56" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any other questions?

Senator MUNDT. You recovered how much?

Mr. CONGER. It is three-thousand-four-hundred-and-some-odd dollars, I think, Senator. It is on the exhibit itself.

Senator MUNDT. I didn't see the exhibit, and I just wondered how much you recovered.

Apparently what you recovered was the damage to your windows and your property that took place.

Mr. CONGER. That is correct.

The CHAIRMAN. Pardon me. Do I understand that the taxpayers had to pay for that damage up there?

Mr. CONGER. I assume that they did.

Mr. KENNEDY. That was about \$80 for every person shot?

Mr. CONGER. I haven't added that up.

Mr. KENNEDY. It is about \$80 per person.

The CHAIRMAN. Is there anything further?

Mr. CONGER. I have one thing further. I would like to submit a series of photographs showing the riot damage done to our plant.

The CHAIRMAN. They may be received as exhibit No. 57.

(Photographs referred to were marked "Exhibit No. 57" for reference and may be found in the files of the select committee.)

Mr. CONGER. I have one more exhibit I would like to introduce at this time. That is an issue of the Kohler or Kohler News, a magazine we put out in 1934, which contains copies of the coroner's statement, pictures of the various riot damage, and some more pictures and other aspects of the thing, and some of the current things that happened at that time.

The CHAIRMAN. Well, it may be received, and—I don't know, it is a kind of self-serving document, I think.

That will be exhibit No. 58.

(Document referred to was marked "Exhibit No. 58" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Could I ask you a couple of questions? Was an NLRB election conducted?

Mr. CONGER. Yes; not the NLRB that we have today. It was the National Labor Relations Board established under section 7 (a) of the National Recovery Act.

Mr. KENNEDY. They conducted the election up there?

Mr. CONGER. Yes, sir; they did.

Mr. KENNEDY. Was that the information of the KWA, then?

Mr. CONGER. Yes; the KWA was formed before the election, but participated in the election and was successful in winning the election by approximately a 2-to-1 vote.

Mr. KENNEDY. Who conducted the election for the NLRB? Did they have some people up there?

Mr. CONGER. Mr. Carl Stevenson, and a Mr. Nathan Shefferman, who at that time was with the NLRB.

Mr. KENNEDY. He came up for the NLRB and conducted the election which ultimately had the KWA winning the election?

Mr. CONGER. Yes. Mr. Stevenson, I think, took the main active part in it, and Mr. Shefferman came up, as I recall it, only to sit in the balloting place.

Mr. KENNEDY. Was that the KWA that they also found later on was company dominated?

Mr. CONGER. No, sir; they did not find out later on it was company-dominated. After that election, the Board ordered us to recognize the KWA.

Mr. KENNEDY. Did the Board ever make any statement about the fact that the company influenced that?

Mr. CONGER. Before the election, the Board made some statements that they thought the company might have influenced it. After the election, they made the statement that despite anything that the company might have done—and, mind you, this was before the Wagner Act, and it was not under the terms of the Wagner Act—they said that despite anything that the company might have done or any assist-

ance the company might have given it, the vast majority of our employees had chosen the KWA in a freely conducted election, and we were therefore required to recognize it.

Mr. KENNEDY. A freely conducted election by representatives of the National Labor Relations Board which included Mr. Nathan Shefferman?

Mr. CONGER. That is right.

Mr. KENNEDY. I was wondering. You talked about the police force. That had how many people in it—the deputy police force in Kohler Village?

Mr. CONGER. I believe that by the time of the riot they had somewhere around 100 citizens of the village deputized.

Mr. KENNEDY. Is that all that there were there at that time?

Mr. CONGER. I cannot give you the exact number of village deputies that they had.

Mr. KENNEDY. How many police deputies did they have the night of the riot, or on that day?

Mr. CONGER. I don't know exactly. It was not enough.

Mr. KENNEDY. Approximately how many?

Mr. CONGER. This mob was a mob of approximately 4,000 to 10,000 people, I would say, and my estimate would be that among the people who were deputized inside of the plant that did not go out, who stayed there merely for the plant protection, and the people on the outside, I would say around 100. But I have no definite figures now on that part.

Mr. KENNEDY. Did they have any kind of uniforms that they used?

Mr. CONGER. Yes. I believe they had arm bands, if I am not mistaken. They were not uniformed. They had stars.

Mr. KENNEDY. They had no particular kind of shirts or anything?

Mr. CONGER. Yes, I believe that they did have blue shirts, if I am not mistaken.

Mr. KENNEDY. Blueish black shirts, were they?

Mr. CONGER. I think that they were blue.

Mr. KENNEDY. Blue shirts?

Mr. CONGER. Yes, sir.

Mr. KENNEDY. They all had blue shirts?

Mr. CONGER. Yes, sir; with a deputy marshal's star on them.

Mr. KENNEDY. And where did the guns and ammunition come from that were distributed to these people?

Mr. CONGER. Well, they came from the village.

Mr. KENNEDY. Did the company have any guns or ammunition?

Mr. CONGER. The company had some, but none were fired, and I may say that as soon as that mob got chased out of the village, I went home and brought over my two shotguns that night, because it wasn't a very healthy place to be, and I wanted a little protection.

Mr. KENNEDY. Did you have any gun prior to that?

Mr. CONGER. Did I have any gun?

Mr. KENNEDY. Yes.

Mr. CONGER. No, I did not fire any gun that night.

Mr. KENNEDY. Did you have a gun?

Mr. CONGER. Yes, I had a gun, and I had two of them.

Mr. KENNEDY. But you didn't fire at all?

Mr. CONGER. No, I didn't fire it. I did not have a gun when the riot started, but as I say, about 9:45 or so, after this thing sort of quieted down, I went out and got two shotguns that I owned, and brought them over.

Mr. KENNEDY. Were you with some of the people that fired?

Mr. CONGER. No, I was not. I was within the plant all of the time, and I followed the rioting down all of the way from the south end, as I said before, clear up to the north end.

Mr. KENNEDY. What was Mr. Biever's position in all of this?

Mr. CONGER. Mr. Biever at that time was an engineer with the company, who had been given a leave of absence. He was a veteran of considerable service, and had been given a leave of absence and was appointed by the village board assistant chief of police of Kohler Village.

Mr. KENNEDY. Is that the position that he held this night at the riot?

Mr. CONGER. That is the position he held that night.

Mr. KENNEDY. All right.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. Did I hear you say that Mr. Shefferman was a member of the NLRB?

Mr. CONGER. Oh, no, sir, he was not a member of it. He was an employee of it.

Senator GOLDWATER. An employee of the Board that came up at that time?

Mr. CONGER. Yes, sir; and I cannot tell you exactly what his position was, and in fact I don't know that I ever knew what his position was.

Senator GOLDWATER. He was employed by the Board?

Mr. CONGER. He was employed by the Board, by the Federal Government; yes, sir.

Senator GOLDWATER. How was that Board appointed in those days?

Mr. CONGER. Well, I believe the Board was appointed by the President, if I am not mistaken. There were three members on the Board.

Senator GOLDWATER. Presidential appointments?

Mr. CONGER. I believe so, Senator.

Senator GOLDWATER. And then the Board members would be responsible for the employees?

Mr. CONGER. Yes; the Board members I am sure appointed whatever employees they might have. I might say that Mr. Shefferman took no part in these subsequent protests of the union on the election or the decision of the Board regarding it.

Senator GOLDWATER. What year was that?

Mr. CONGER. This was in 1934.

Senator GOLDWATER. President Roosevelt was President then?

Mr. CONGER. That is correct. That was under the NRA, and the famous Blue Eagle.

Senator MUNDT. While we are on the subject of Shefferman—you may have been asked this while I was called out—did the Kohler Co. ever engage the so-called services of Nathan Shefferman?

Mr. CONGER. No, sir; at no time. Our only contact we ever had with him was as a Government employee, and I have not seen Mr. Shefferman since the year 1935.

Senator MUNDT. Then your only contact with him was when he was a member of the NLRB?

Mr. CONGER. That is correct.

Senator MUNDT. And I presume you had nothing to do with his appointment as such?

Mr. CONGER. No, sir. The first time I ever saw the man was when he arrived there as an employee of the NLRB.

The CHAIRMAN. Thank you very much.

Will you come around, Mr. Rand.

The CHAIRMAN. You do solemnly swear that the evidence, given before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAND. I do.

TESTIMONY OF DONALD RAND, ACCOMPANIED BY HIS COUNSEL, JOSEPH L. RAUH, JR.

The CHAIRMAN. State your name, and your place of residence, and your business, or occupation.

Mr. RAUH. Mr. Chairman—

The CHAIRMAN. Let me get the witness sworn in.

Mr. RAUH. It was about the prior matter, but I will wait.

The CHAIRMAN. Just 1 second.

Mr. RAND. My name is Donald Rand, and I live at 8430 East Jefferson Street, Detroit, Mich. I am administrative assistant to the secretary-treasurer of the United Automobile Workers, AFL-CIO.

The CHAIRMAN. Thank you very much.

Mr. Rauh appears as a counsel for you; does he?

Mr. RAND. Yes; he does.

The CHAIRMAN. Now, Mr. Rauh.

Mr. RAUH. I would just like to say that I presume we would be accorded the right to produce eyewitness testimony, and I don't know whether we would want to do this about the 1934 strike, but one fact I would like to have in the record is that the United Automobile Workers was founded in 1936, 2 years after the Kohler Co. was engaged in the riotous strike. It would be a little hard to blame that one on us.

The CHAIRMAN. Does anyone challenge the statement that the UAW was formed in 1936?

Senator MUNDT. Mr. Chairman, I think Mr. Rauh's request is perfectly reasonable, and if he wants to have some eyewitnesses on this same situation, he should be permitted to do so, whether it was UAW, or some forerunner union, or some union entirely disassociated from it.

The CHAIRMAN. He was making a statement of fact and I am going to take judicial notice that it is correct without having testimony about it, if we can.

We will ask witnesses who the committee may desire to hear, eyewitnesses or otherwise, we will finally get around to it.

Senator MUNDT. If we are going to have an eyewitness, can you get someone closer than from Milwaukee? That is a long distance away.

Mr. RAUH. The other matter, Mr. Chairman, was that Senator Mundt has at times requested information about the boycott. I thought this would be the appropriate time to present it, since the

witness here will undoubtedly be interrogated about the boycott, and I wondered if I could offer as next exhibit, whatever it is, a memorandum on UAW consumer boycott of Kohler Co. products and the exhibits, all of which deal with these cases that Senator Mundt and I have been discussing over the past week.

The CHAIRMAN. I believe, Senator Mundt, you requested certain information?

Senator MUNDT. Yes, I did, Mr. Chairman, and I am glad that Mr. Rauh has it. Now all I want to determine is who will submit it as sworn testimony, because I have had a hard time finding the attorney who would assume responsibility. If Mr. Rauh will do it as his own sworn testimony, fine, or if you have a witness who will swear to its accuracy, we certainly want it as an exhibit.

The CHAIRMAN. What is the nature of it, Mr. Rauh?

Mr. RAUH. This is a statement of the principles of the Kohler boycott, and the legal terms under it. I have submitted it as a brief signed by myself and Mr. Redman H. Roach, Jr., of Detroit. I swear to the contents of it to the best of my belief.

It is a legal document. Attached to it are all of the documents to which you referred, and they were handed to me. The documents on their face appear to be what they purport to be; namely, the stipulations, and these various cases.

Senator MUNDT. The controversy grows, Mr. Chairman, out of a colloquy question which I had over a period of time, I think, with Mr. Mazey primarily, and then I thought that Mr. Rabinovitz might be the attorney in the case and could handle it. We brought him up, and he said he was not. At the time he said that you also were not. It seems to me that if this is going to be testimony supporting the statements which were made by Mr. Mazey, which I believe are entirely inaccurate—not that I think that they were perjuries; I think that they were based on the best of his information, but I think his facts were wrong—that it would be a question of fact and not a question of legal interpretation.

Either those findings were made or they were not made. It seems to me that we should have sworn testimony from somebody on a statement of fact.

The CHAIRMAN. Let the Chair state that counsel presenting a brief citing precedents of law and decisions and so forth to sustain a point, that is not testimony. That is simply argument. That, of course, would not be required to be sworn to.

That would just be information of a point of view. If you have documents or something that you wish to have made evidence, or exhibits as evidence, then, of course, they should be sworn to. I do not know what they are.

Mr. RAUH. Sir, we have here the documents before the Labor Relations Board of the three cases to which Senator Mundt referred. One is in Milwaukee, and one was in Los Angeles, and a third—

Senator MUNDT. The only one in controversy is the one in Milwaukee.

Mr. RAUH. Obviously different lawyers handled them in different parts of the country and I don't think that there is any question of the authenticity of the documents.

The CHAIRMAN. May I suggest this and let us not loaf along.

Will you submit them to Senator Mundt, and let him make such examination of them, and then we will determine whether he wants them sworn to or not.

Senator MUNDT. Very good.

The CHAIRMAN. We might proceed then with the testimony of this witness.

At any time when you are satisfied about it, let me know.

Senator MUNDT. That will be perfectly all right.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, Mr. Rand, you are an international representative of the UAW?

Mr. RAND. Yes, sir; I am.

Mr. KENNEDY. You have been in the UAW for how long?

Mr. RAND. I believe that I joined the UAW in 1947. I would like to say in that regard, Mr. Kennedy, that I was a member of an independent union, I believe I joined the United Broach Makers on May 10, 1936. I was a steward and an officer of that independent organization, and I believe it was in 1947 that we affiliated with the UAW-CIO.

Senator MUNDT. May I interrupt to inquire of Mr. Rauh, is this something that you want me to safeguard and return?

Mr. RAUH. I am offering that for the record as an exhibit, and we have duplicate copies of the Labor Board documents that are contained there. I only want you to preserve it for the record.

Senator MUNDT. All right.

The CHAIRMAN. I was waiting for you to examine them before I determine whether to make them an exhibit or not.

Senator MUNDT. I will have to have a little more time than this afternoon.

The CHAIRMAN. Proceed.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

Mr. KENNEDY. You were an officer of this independent union in what city?

Mr. RAND. That was in Detroit, Mich., sir.

Mr. KENNEDY. Then you were affiliated with the UAW?

Mr. RAND. Yes; we did, sir.

Mr. KENNEDY. Did you become an international organizer at that time?

Mr. RAND. No; I didn't.

Mr. KENNEDY. When did you become an international representative?

Mr. RAND. In 1947 when we affiliated with the UAW, I became president of the local union which was an amalgamated local in the city of Detroit. I believe it was in 1951 that I went on the staff, the skilled-trades staff of the international union. I might say that I am a toolmaker by trade and I have over 20 some years—well, since 1936, 22 years' seniority in my plant.

Mr. KENNEDY. You were made an international representative, then, in 1951?

Mr. RAND. Yes; I believe so.

Mr. KENNEDY. You are appointed to that position, are you?

Mr. RAND. Yes.

Mr. KENNEDY. But prior to that you had been elected as president of your local?

Mr. RAND. Yes.

Mr. KENNEDY. What were your duties as an international representative, just briefly, in 1951-54?

Mr. RAND. Well, I was assigned to a skilled trades staff. Specifically my assignment covered the areas of regions 3, 4, and 10 of the international union. Basically, region 3 is Indiana and Kentucky, region 4 is Illinois and the surrounding States, and region 10, as you probably know, is the Wisconsin—generally the Wisconsin area. I was assigned specifically to those 3 regions.

Mr. KENNEDY. As an international representative, what are your responsibilities?

Mr. RAND. Well, in the skilled trades department specifically, we had the assignment of assisting local unions in the problems relative to skilled trades workers. We participated in negotiations on the wage structure of skilled trades workers, and attempted in many cases to establish apprenticeship programs. I spent a great deal of my time in that particular field.

Mr. KENNEDY. Within that jurisdiction would be local 833 of the UAW?

Mr. RAND. Yes.

Mr. KENNEDY. When did you first begin to do some work with that local and in that area?

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. RAND. I believe, Mr. Kennedy, that I participated in the organizational drive some time prior to the affiliation with the UAW. I attended, I think, 1 or 2 meetings of skilled trades workers in the city of Sheboygan prior to the actual successful election that took place.

Mr. KENNEDY. Would the employees of the Kohler Co. be considered in the category of skilled labor?

Mr. RAND. Well, in my opinion, they do, sir. I would like to just relate an interesting event that took place in my very first meeting. Mr. Conger no doubt disagrees with that fact. When I was introduced to him as a skilled trades representative, he advised me that there were no skilled workers in the Kohler plant. I asked him whether or not that included him. I thought we ought to start with him. He agreed that he was a skilled trades worker. That was the way we got started, unfortunately, but I think it gives some reflection on the attitude of Mr. Conger, when we attempted to work at the problems of the skilled workers as well as many other workers within the Kohler plant.

(At this point, Senator McClellan entered the hearing room.)

Mr. KENNEDY. Anyway, the UAW felt that this was in the category of skilled workers, and you were sent up there as a representative of skilled workers?

Mr. RAND. There is no question of it, Mr. Kennedy.

Mr. KENNEDY. I am not going to get into it.

Mr. RAND. I think we ought to say this. There are many skilled workers in the Kohler plant.

Mr. KENNEDY. I am trying to establish why you went to Kohler, Wis. That is why you went there.

Mr. RAND. Yes.

Senator CURTIS. When are you talking about?

Mr. KENNEDY. I am just getting him there ,which was 1952 or 1953. Is that right?

Mr. RAND. Yes. As I pointed out, I was involved in the organizational drive. I think I attended two meetings prior to the strike.

Mr. KENNEDY. This is prior to the strike?

Mr. RAND. Yes; 1952.

Mr. KENNEDY. You attended a couple of meetings prior to the time that they were trying to organize; is that right?

Mr. RAND. Yes.

Mr. KENNEDY. You continued up there, or continued to have an interest in local 833 during 1953?

Mr. RAND. Yes. Following the election, I participated in negotiations of the first contract.

Mr. KENNEDY. You actively participated yourself?

Mr. RAND. Yes.

Mr. KENNEDY. In negotiations with the representatives of the Kohler Co.?

Mr. RAND. Yes. I was a member of the skilled trades staff, and in that particular function, I went in to Sheboygan and participated in the negotiations with the local 833 committee.

Mr. KENNEDY. How much time did you spend up there in 1953, roughly?

Mr. RAND. Well, I can't remember.

Mr. KENNEDY. Were you up there a great deal of the time in 1953?

Mr. RAND. Yes; I spent a great deal of time in there just prior to the signing of the contract; yes.

Mr. KENNEDY. Then in 1954, were you up there during those negotiations when the contract was being reopened?

Mr. RAND. Yes; as a matter of fact, I participated in the reopening of the negotiations that took place; I believe, in May of 1953, we finally settled it, I think, in August of 1953, and it was retroactive to May.

But I was in those negotiations as well as the ones which led up to the strike.

Mr. KENNEDY. Which was beginning in the early part of 1954?

Mr. RAND. Yes.

Mr. KENNEDY. You also participated actively in negotiations with the company during that time?

Mr. RAND. Oh, yes.

Mr. KENNEDY. Did your function change up there from merely as a representative of the skilled trades to some different responsibility?

Mr. RAND. Well, I don't know exactly what you mean by that. I might answer it this way: Yes, it has changed since that time. But I was still actively involved in the problems of the skilled trades workers as the strike went on, as it took place.

Mr. KENNEDY. Then did you have other responsibilities in addition?

Mr. RAND. Well, I assisted the local union where I could in the problems relative to the strike, yes.

Mr. KENNEDY. And the strike started April 5, 1954, is that right?

Mr. RAND. Yes, sir.

Mr. KENNEDY. Had you been up there for most of the time prior to 1954 during the negotiations?

Mr. RAND. Prior to April 5?

Mr. KENNEDY. Prior to April 5, 1954.

Mr. RAND. Yes, I had spent a great deal of time there.

Mr. KENNEDY. What was your responsibility during the strike, after the strike started on April 5, 1954?

What were your responsibilities, briefly?

Mr. RAND. Well, the local union officers, the strike committee, were in charge of the strike, and I assisted them wherever I possibly could. I might say that we had many problems. I was there specifically to handle the problems relative to the skilled workers in the event the negotiations would take place. We worked continually at it. One of the problems that we had was that the company had not given the local union sufficient data to compile a wage structure, and, as a result, we had to go into a long survey and try to develop certain information, and so forth, relative to this particular problem.

Mr. KENNEDY. Did you work on the picket line or work in the soup kitchen after the strike started?

Mr. RAND. Yes. I wouldn't say I worked on the picket line. I was on the picket line, Mr. Kennedy.

Mr. KENNEDY. You were aware of the fact, were you not, that—and I don't want to go through all of this again—that the nonstrikers were unable to get into the plant because of the mass picketing that was going on?

Mr. RAND. I believe that has been testified to, yes.

Mr. KENNEDY. And you were aware of it yourself, were you not?

Mr. RAND. Well, I am aware of the fact that there was a mass of people there, and also—

Mr. KENNEDY. And that the nonstrikers were unable to get in?

Mr. RAND. They didn't go to work; yes.

Mr. KENNEDY. Because of the mass of people?

Mr. RAND. I believe so; yes.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Rand, you were on the picket line most every day, weren't you?

Mr. RAND. I believe I was; yes sir.

Senator CURTIS. I would like to hand you a photograph. This one is not numbered, but it is dated April 5, 1954, with the location at the northeast entrance. I will ask you to look at that and tell us what it is, and let us know whether you are in that picture.

(Photograph handed to the witness.)

Mr. RAND. Yes, sir.

Senator CURTIS. What were you doing there?

Mr. RAND. It looks like I am walking.

Senator CURTIS. Yes. Are they letting any of the nonstrikers go through?

Mr. RAND. Frankly, I don't remember this picture. I didn't even know the Kohler Co. had this one.

The CHAIRMAN. Senator, may I inquire for the record: Have these already been made an exhibit?

Senator CURTIS. These particular copies are not; no. I think not.

The CHAIRMAN. I will make them an exhibit, as we go along, if you wish.

Senator CURTIS. I have several here. Do you want them all at once?

The CHAIRMAN. I think that would be better.

Senator CURTIS. All right.

The CHAIRMAN. The Chair presents to you a series of pictures and asks you to examine them and see if you identify them as pictures at the scene of the strike.

(Photographs handed to the witness.)

Mr. RAND. Yes, I recognize this picture——

The CHAIRMAN. All of them?

Mr. RAND. All of them.

The CHAIRMAN. Take a look at all of them and see if you recognize them as pictures of the strike.

(The witness conferred with his counsel.)

Mr. RAND. I believe, Senator, that I appear in all but one of these pictures.

The CHAIRMAN. All right. Lay the one aside in which you do not appear, and we will see about it later. All of the others may be made Exhibit No. 59-A, B, C, and so forth.

(The documents referred to were marked "Exhibit No. 59A-G" for reference and may be found in the files of the select committee.)

Senator CURTIS. Mr. Rand, you testified concerning this one picture. Here is a picture that I will hand you and ask you to tell us what it is. It is 59-B.

(Photograph handed to the witness.)

Mr. RAND. Those pictures, Senator, that you showed me; were they all the same date?

Senator CURTIS. I don't think so.

Mr. RAND. I wonder if I could see them again. I just want to refresh my memory whether that is actually myself on those pictures.

(Photographs handed to the witness.)

Senator CURTIS. I would like to take them up one at a time, if I could.

Mr. RAND. I just wanted to check the dates, sir.

Senator MUNDT. Read the dates out loud, would you, please, so we can all get them? I haven't seen the pictures, either. Mr. Rand, will you read the dates out loud so we can get them in the record so the rest of the committee can also know?

Mr. RAND. 59-A has a date on it of April 5, 1954. B has a date, April 12, 1954. C has a date of April 12, 1954. D has a date of May 24, 1954. 59-E has a date of May 24, 1954. 59-F has a date of May 24, 1954. 59-G—I think I read it before—is August 13, 1954.

Senator MUNDT. It covers different days, I think.

Mr. RAND. I thought, Senator, some of them had been taken at one and the same time.

Senator MUNDT. There were two pictures on the same date, and the rest were on different dates.

Senator CURTIS. I started to ask you about the picture 59-B. I asked you what it was, what it was a picture of. I don't believe I got your answer.

Mr. RAND. I better look at that a little closer, Senator.

(Photograph handed the witness.)

Mr. RAND. I believe that is a picture that was taken in front of the plant.

Senator CURTIS. Are you in that picture?

Mr. RAND. Yes, I am, sir.

Senator CURTIS. Are you numbered with a number written there in pen?

Mr. RAND. Yes. There is a line drawn from my face to a number, which is No. 2.

Senator CURTIS. Who is No. 1 in that picture?

Mr. RAND. I believe it is Harvey Kitzman, according to the notation on the back.

Senator CURTIS. Who is Harvey Kitzman?

Mr. RAND. Harvey Kitzman, if that is him, is the regional director of region 10, UAW. I believe it is him, Senator.

Senator CURTIS. That is a picture of the picket line?

Mr. RAND. Yes.

Senator CURTIS. Now I want you to examine this next picture, 59-C. Tell me whether or not that is a picture of the picket line.

(Photograph handed to the witness.)

Mr. RAND. That is a picture taken in front of the plant; yes, sir.

Senator CURTIS. Are you in that picture?

Mr. RAND. At least I don't see a picture of myself. I may be. I don't know. No. 6, it says on the back. Yes. It is the back of my coat and my head.

Senator CURTIS. Who is No. 1 marked there?

Mr. RAND. No. 1—at least the notation on the back of the picture—it is a little difficult to see the front, and you can't identify the person—the back of the picture has the name "Frank Sahorske."

Senator CURTIS. Do you know him?

Mr. RAND. Yes. Frank Sahorske was the assistant regional director at the time of the strike.

Senator CURTIS. Who is No. 2 on there?

Mr. RAND. Bob Burkhart.

Senator CURTIS. Bob Burkhart?

Mr. RAND. Yes, sir.

Senator CURTIS. Who is he?

Mr. RAND. Bob Burkhart is an international representative of the UAW.

Senator CURTIS. Who is No. 4 on there?

Mr. RAND. Four is Jess Ferrazza.

Senator CURTIS. Who is Jess Ferrazza?

Mr. RAND. Jess Ferrazza is the administrative assistant to the secretary-treasurer of the UAW, Mr. Emil Mazey.

Senator CURTIS. Who is No. 5?

Mr. RAND. Five is Joseph Burns.

Senator CURTIS. Who is Joseph Burns?

Mr. RAND. Joseph Burns is an international representative who was assigned to the community services department of the international union, UAW.

Senator CURTIS. None of those six people that you mentioned were Kohler workers, were they?

Mr. RAND. No; they were international representatives, Senator.

Senator CURTIS. But they were there to form a picket line, help form a picket line, to keep anyone out of the plant that wanted to go to work; is that right?

Mr. RAND. I don't understand your question.

Senator CURTIS. The purpose of the line was to keep anybody who wanted to go to work from going in, wasn't it?

Mr. RAND. No, I don't believe so.

Senator CURTIS. What was its purpose?

Mr. RAND. You are referring to this picture, Senator?

Senator CURTIS. No, I am referring to the picketing generally.

Mr. RAND. I thought you were referring to the picture. This is talking to the chief of police in the village of Kohler, in this picture.

Senator CURTIS. I am referring to the purpose of the picket line generally. What was its purpose?

Mr. RAND. The picket line was a group of the Kohler workers who saw fit to picket the Kohler plant to protect their interest in their working conditions and their jobs.

Senator CURTIS. Was part of its purpose to keep people from going to work in the plant?

Mr. RAND. There is no question about it, that the people who were on the picket line were there to advise the people that they were there as strikers, and in an attempt to protect their investment in their jobs in the Kohler plant.

Senator CURTIS. Now I hand you a picture, 59D, which appears to be taken on Monday, May 24, by the Milwaukee Sentinel, 1954; I ask you to state what that picture is, and whether or not you are in it.

(Photograph handed to the witness.)

Mr. RAND. Yes, I am in that picture, sir.

Senator CURTIS. Do you recognize anybody else in the picture?

Mr. RAND. I believe that the chief of police of the village of Kohler, Mr.—I think his name is Waldemer Capelle.

Senator CURTIS. What is he attempting to do?

Mr. RAND. I might say there is another person whom I recognize as the sheriff, Sheriff Mosch, is there.

Senator CURTIS. What are the officers attempting to do?

Mr. RAND. It is a little difficult to tell from this picture what they are doing.

Senator CURTIS. Now I will have you look at this one marked "59E." This picture is one where there are a great many people in it. They are crowded close together. There are some angry looking faces and some elbows up to people's throats, it looks like. I will ask you if you can tell me what that picture is.

(Photograph handed to the witness.)

Senator CURTIS. That is a Milwaukee Sentinel picture.

(Witness conferred with his counsel.)

Mr. RAND. I was going to say I believe, Senator, this is a picture which appeared in the Milwaukee Sentinel, and which has been used by the Kohler Co. I don't know how many millions of copies they have of this picture, but they have made extensive use of it.

Senator CURTIS. Are you in that picture?

Mr. RAND. I am, sir.

Senator CURTIS. The Milwaukee Sentinel is a newspaper published in Milwaukee, isn't it?

Mr. RAND. Yes, it is, sir.

Senator CURTIS. You are in that picture.

What number are you?

Mr. RAND. The line from the top of the picture designates that I am No. 2.

Senator CURTIS. Who is No. 1?

Mr. RAND. No. 1? According to the back it is William Vinson.

Senator CURTIS. Do you know William Vinson?

Mr. RAND. I beg your pardon?

Senator CURTIS. Do you know William Vinson?

Mr. RAND. Yes.

Senator CURTIS. He is the man that was here and testified?

Mr. RAND. Yes.

Senator CURTIS. And he was the individual convicted for an attack upon Mr. Van Ouwerkerk; is that right?

Mr. RAND. Yes.

Senator CURTIS. Who is No. 3 in the picture?

Mr. RAND. Frank Stallons.

Senator CURTIS. Who is he?

Mr. RAND. I believe, sir, that he is a member of a local union in the city of Kenosha—Kenosha, Wis.

Senator CURTIS. Who is No. 4?

Mr. RAND. No. 4? I think, Senator, that that is Frank Sahorske, he has a big smile on his face.

Senator CURTIS. Who is he?

Mr. RAND. Frank Sahorske, as I have already mentioned, is the assistant director, or was the assistant regional director, region 10, UAW.

Senator CURTIS. He is No. 4?

Mr. RAND. Yes.

Senator CURTIS. Who is No. 5?

Mr. RAND. Five I believe to be Raymond Majerus.

Senator CURTIS. Who was Raymond Majerus?

Mr. RAND. Raymond Majerus is an international representative assigned to region 10. Also, Senator, I think it has been mentioned that he was one of the fellows who was fired in the 1952 affiliation election by the Kohler Co. during the organizational drive.

Senator CURTIS. Is there a No. 6 on there marked?

Mr. RAND. There is a 6 marked. According to the back here, I don't recognize the picture, I think it is James Fiore, yes, I believe it is James Fiore.

Senator CURTIS. Who is James Fiore?

Mr. RAND. Incidentally, the name is misspelled here. I think it is F-i-o-r-e, is it not?

Senator CURTIS. You look at the picture and tell me who it is.

Mr. RAND. I have already testified to that, sir. It is James Fiore.

Senator CURTIS. James Fiore?

Mr. RAND. Yes, sir.

Senator CURTIS. Are there any other numbers on there?

Mr. RAND. I beg your pardon?

Senator CURTIS. Is that all of the numbers on the picture?

Mr. RAND. 1, 2, 3, 4, 5 and 6 and 7.

Senator CURTIS. Who is 7?

Mr. RAND. Seven is Ed Kalupa. I might say, Senator, there are many other people in these pictures.

Senator CURTIS. Yes. Who is this last mentioned individual?

Mr. RAND. Eddie Kalupa was a chief steward of UAW, Local 833.

Senator CURTIS. What number are you on there, again?

Mr. RAND. The mark here is No. 2.

Senator CURTIS. That is you?

Mr. RAND. Yes, sir.

Senator CURTIS. And what is the date of that picture.

Mr. RAND. I believe—at least, it is noted here, May 24, 1954.

Senator CURTIS. Getting along almost to the first of June. How come you are wearing gloves?

Mr. RAND. I suppose for the reason that it is cold, Senator.

Senator CURTIS. You weren't ready to hit somebody there?

Mr. RAND. Incidentally, Senator, there are a number of other people wearing gloves there, too.

Senator CURTIS. I noticed that.

Mr. RAND. And they have coats on.

Senator CURTIS. But it is almost the first of June.

Mr. RAND. It gets pretty cold up in Sheboygan early in the morning in June.

Senator MUNDT. I don't believe you told us what that picture is all about, but just there were a lot of people there.

You were there. Was it a mass meeting of some kind, was it a picket line, or a group of people standing there. Do you recall?

Mr. RAND. This is a picture which would indicate there is a lot of pushing and shoving. Right directly behind me is an individual with sort of a half-laugh on his face, and some fellow's elbow stuck in the back of his neck. I have a picture here of my own, Senator, that might be of some interest to you. Would you like to see it?

Senator CURTIS. Yes. But let me ask you one more thing about this other one. Are people attempting to go to work in the picture there you were talking about, 59 D?

Mr. RAND. It is a little difficult to determine just what they are doing. There is a lot of pushing and shoving going on. Whether there is anybody attempting to go to work or not, I do not know, Senator, from this picture.

Senator CURTIS. But he wouldn't have been able to get through and go to work, had he tried, I don't suppose.

Mr. RAND. I don't suppose so, no.

Senator MUNDT. Take a good look at the picture, Mr. Rand, and tell me if you recognize any nonstrikers in the picture?

Mr. RAND. Yes. I believe the man standing directly in front of me is a nonstriker. I think his name is Mahloch, and the reason I say that is because the following picture shows that he was arrested by a village Kohler deputy, a fellow, incidentally, by the name of Carl Berlin.

Carl Berlin is a special deputy. I think he is a scab at the present time. I am not sure of that. But Carl Berlin was a special deputy of the Kohler village. I am told, at least, that this man who is standing in front of me was subsequently arrested for striking an officer.

Senator MUNDT. For striking an officer?

Mr. RAND. Yes, sir.

Senator CURTIS. Was there any other striking taking place that day?

Mr. RAND. I beg your pardon?

Senator CURTIS. Did anybody else do any striking that day?

Mr. RAND. I don't believe so.

Senator CURTIS. Did you?

Mr. RAND. No, sir.

Senator CURTIS. Any time?

Mr. RAND. No, sir.

Senator CURTIS. Now, you——

Mr. RAND. I would like to say at this time, Senator, if I may, that I have never been arrested in my life, I have never participated in a strike, and furthermore——

Senator CURTIS. You never participated in this one?

Mr. RAND. I used the word before, Senator—and, furthermore, I haven't struck anybody in this picture or this strike?

Senator CURTIS. All right. Now I want to hand you a picture marked 59F. It is dated Monday, May 24, 1954. I ask you if you are in that picture.

(Photograph handed to the witness.)

Mr. RAND. I believe I have already pointed that out, sir.

Senator CURTIS. You are No. 1 in that picture, are you not?

Mr. RAND. Yes. There is a line drawn—I don't know why I am No. 1, because there are about—what is there, about 150 people in that picture?

I am designated as No. 1.

Senator CURTIS. Who is No. 2?

Mr. RAND. I don't know who that is. John Konec, according to the marking on the back, Senator.

Senator CURTIS. Who is that man?

Mr. RAND. I see Carl Fiedler there. He doesn't have a mark. That is the Sheboygan press reporter, I think. He is sitting right over here.

Senator CURTIS. Who did you say was marked No. 2?

Mr. RAND. John Konec.

Senator CURTIS. Who is he?

Mr. RAND. John Konec was the Local 833 UAW chief, picket captain.

Senator CURTIS. Who is No. 3?

Mr. RAND. No. 3, I believe, is Raymond Majerus.

Senator CURTIS. You mentioned before who he was. Would you tell us again?

Mr. RAND. He is a UAW international representative assigned to Harvey Kitzman's staff in region 10.

Senator CURTIS. Who is No. 4?

Mr. RAND. No. 4 is a man who is standing there and it looks something like James Fioer. He has a smile on his face. I would like to call your attention, Senator—I don't know who put these markings on here, but it says "Goon from Detroit. Here many months."

I suppose this is the Kohler Co.'s photograph. At least, it sounds like their language.

Senator CURTIS. Well, I presume that maybe they did. I suppose enough people have been called scabs here, and they have been pretty nice folks. Maybe somebody can be called a goon and maybe they are just a little goon or none at all.

There is one picture here that was set aside because you weren't in it, but it is dated May 10, 1954. It was taken by Harold Bogenhagen of the Sheboygan Press. I would like to have you state whether or not you know what it is. Identify some of the individuals in it. There is one individual there whose face doesn't look like he is carrying on peaceful picketing. It looks like there is considerable feeling in there. He is marked "No. 1." Who is that?

Mr. RAND. No. 1, according to the listing on the back, sir, is Jess Ferrazza, administrative assistant to Emil Mazey, the secretary-treasurer of the UAW.

Senator CURTIS. Emil Mazey's administrative assistant?

Mr. RAND. That is what is marked on the reverse side of the picture.

Senator CURTIS. Do you recognize him as such?

Mr. RAND. I have seen the Kohler Co.'s book in which they have used this same picture——

Senator CURTIS. Do you recognize that picture as this man?

Mr. RAND. As I am trying to point out to you, Senator, I have seen the Kohler Co.'s booklet in which they have stated that this picture is Jess Ferrazza.

I think it is quite a distorted picture.

Senator CURTIS. Do you know him; do you?

Mr. RAND. Yes. I think he is sitting right here in the courtroom. The hearing room, I should say.

Senator CURTIS. Is it him?

Mr. RAND. Yes, I believe it may be him.

Senator CURTIS. All right, who is No. 2?

Mr. RAND. According to the marking here, it is John Gunaca.

Senator CURTIS. John Gunaca?

Mr. RAND. Yes. It looks like John Gunaca.

Senator CURTIS. Do you know John Gunaca?

Mr. RAND. Yes, sir.

Senator CURTIS. That was the John Gunaca who was a witness here a day or two ago?

Mr. RAND. Yes, sir.

Senator CURTIS. Who is No. 3?

Mr. RAND. Three is Frank Sahorske.

Senator CURTIS. Who is he?

Mr. RAND. As I have pointed out, Frank Sahorske is or was the assistant regional director under Harvey Kitzman, region 10.

Senator MUNDT. Every time you come to this name you change "is" to "was." Would you tell us where he is now?

Mr. RAND. He has another assignment, Senator. He is now assigned in, I believe, Racine or Kenosha. There is another man——

Senator MUNDT. He is still alive and still in good health, I suppose?

Mr. RAND. Yes. You see he is not the assistant director now.

Senator CURTIS. All of these pictures represent scenes of mass picketing conducted, among other reasons, to keep workers from going to work; is that correct?

Mr. RAND. Yes.

Senator CURTIS. You have heard about these home demonstrations or home picketing, too, haven't you?

Mr. RAND. Yes, I have, sir.

Mr. RAUL. Mr. Chairman, before we leave the pictures, can the one that Mr. Rand has identified be admitted, sir?

It is one that he has identified as the one man being arrested who was opposite him here. We would like that in, if it is not objectionable. I have it in my hand here.

The CHAIRMAN. There has been a picture presented which has not been made an exhibit.

Senator CURTIS. I would like to see it made an exhibit.

The CHAIRMAN. It is the picture you were talking about that was eliminated from the first group. I will now make it exhibit No. 60, the single picture.

(The document referred to was marked "Exhibit No. 60" for reference and may be found in the files of the select committee.)

The CHAIRMAN. May I see what the counsel has?

Mr. RAUH. Here are 2 pictures, 1 a duplicate of the one that Mr. Curtis presented and the other is the one Mr. Rand testified to, the picture of the nonstriker being led away by the policeman. I thought those two ought to be a separate exhibit, referring to the one that Senator Curtis testified to.

Senator CURTIS. May the record show who took the pictures?

Mr. RAUH. It is on the back, I believe. The Milwaukee Sentinel.

Senator CURTIS. Yes. All right.

The CHAIRMAN. The pictures may be made exhibits 61 and 61-A.

(The documents referred to were marked "Exhibits Nos. 61 and 61-A" for reference and may be found in the files of the select committee.)

Senator CURTIS. Were you present at any home demonstrations?

Mr. RAND. Yes, I was, Senator.

Senator CURTIS. How many?

Mr. RAND. I know that I was at one of them. I may have been at two.

Senator CURTIS. Were you at one on August 13, 1954?

Mr. RAND. Well, the date escapes me for the moment, Senator, but I was at 1 or 2.

Senator CURTIS. On North 21st Street?

Mr. RAND. There, again, I am not too familiar with streets or the numbers or just what particular area that was, but I was at 1 or 2 of the home picketing.

Senator CURTIS. How did it happen that you knew that this home demonstration was going to go on?

Mr. RAND. Well, Senator, as I remember it, I received a phone call, or phone calls, I should say, pertaining to these particular situations, and had heard that the representatives of the Kohler Co. were out there early in the afternoon.

I had also heard that they had secreted a photographer inside the home of one of these people. Whether it was this particular day or another one, all of these facts are relevant.

I went out there to see whether it was actually possible that this company might provoke an incident that would do damage to our union.

Senator CURTIS. Do you think the company was stirring up these home demonstrations?

Mr. RAND. Senator, it is inconceivable to me to think that the company would be out there before the crowd got there.

Senator CURTIS. You are referring to this photographer?

Mr. RAND. Photographers, yes, plural. I might say that one of the interesting parts about my experience in Sheboygan, and it happened in this particular instance, or one of these, at least, every time I was any place, one of the Kohler Co. photographers would snap my picture. How they got there with their camera at the time I did, I don't know. They were there.

Senator CURTIS. What other home demonstrations did you go to besides this one?

Mr. RAND. As I say, Senator, I am not sure which one that is. I haven't the least idea. I may have been at two. I am not sure at the moment.

Senator CURTIS. Did you have anything to do with planning them?

Mr. RAND. No, I did not, Senator.

Senator CURTIS. So you don't know anything about that?

Mr. RAND. No, sir.

Senator CURTIS. But you are not naive enough to believe that they are just spontaneous?

Mr. RAND. Senator, if you would go into Sheboygan and spend as much time as I have there, you wouldn't use the word of whether or not I am naive. I can assure you that at least to the best of my knowledge, these were completely spontaneous. They weren't arranged by our union, they weren't planned by our union. It was just something that happened.

Senator CURTIS. This picture which you are in, in the 1900 block of North 21st Street, which would be, I am told, about 26 or 27 blocks from your hotel, you went over there in response to a telephone call; didn't you?

Mr. RAND. Yes. More than one telephone call. I had heard about these. I don't know whether this is the first, second or third or which one it was, Senator. You might refresh my memory.

Senator CURTIS. Well, you can look at the picture and it will tell you when it was.

(Photograph handed to the witness.)

Mr. RAND. I believe that I remember this. Whether it is a particular day, I don't. But I recognize the UAW or at least a member of the staff of the CIO who was taking moving pictures there. I believe it would be Frank Wallich. Yes, it is listed on the back. I drove out there with Frank Wallich, and he is taking moving pictures of this. At least, it is being held up to his eye. Whether it is movies or a still, I don't know.

Senator CURTIS. If it was spontaneous, he found out about it, too?

Mr. RAND. I believe he must have, sir. He was our publicity man at the time, I think.

Senator CURTIS. Isn't it true that this home picketing of the same type, the same pattern, would occur on all different sides of Sheboygan?

Mr. RAND. Not to my knowledge, no, sir.

Senator CURTIS. You don't know that that happened?

Mr. RAND. No; I don't think it did.

Senator CURTIS. Did the strike bulletin ever have anything in it about these home receptions?

Mr. RAND. I believe some reference has been made to the fact that there were such home demonstrations, Senator.

Senator CURTIS. For instance, the Daily Strike Bulletin of August 10, 1954, there is language such as this:

Each night a royal reception awaits them when they arrive home from the strike breaking. The crowd of Kohler strikers and their sympathizers is increasing nightly.

Why would that be carried in the bulletin if the union didn't have any connection with it?

Mr. RAND. Well, anything that was of interest to the community. There were many items that appeared in the bulletin. Why that particular item was in there, I don't know. I might add, sir, that the newspaper in the city of Sheboygan, the Sheboygan Press, also carried stories relative to this particular type of incident.

Senator CURTIS. You have admitted, or you have stated, rather, that one of the purposes of the mass picketing was to keep workers from getting into the plant to go to work.

Let's just be reasonable and let me have your opinion of this. Isn't it true that the home picketing was carried on to induce workers not to go to work?

Mr. RAND. No, sir.

Senator CURTIS. What was it carried on for?

Mr. RAND. I don't know, frankly. I don't know.

Senator CURTIS. But you are positive it wasn't carried on to induce people not to go to work.

Mr. RAND. No. It amazes me just as much as it does you, Senator. I just don't know how they started. I just don't believe that they could have started. But they did.

To the best of my knowledge, it was a spontaneous action of people in the neighborhood. That is to the best of my knowledge how they got started.

(At this point, the following members of the committee were present: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

Senator CURTIS. But now here you come back to the official bulletin, official strike bulletin of your organization, and on August 17, 1954, we find language like this:

Reception committee: In a few days the activities of the Twelfth Street Reception Committee for the homecoming scabs has grown to such proportion that it now equals anything the northsiders can put on.

Then a little later in the same bulletin:

Five more homes were visited before the demonstrations came to an end.

Now, isn't it true that these home demonstrations were promoted and encouraged by means of the strike bulletin?

Mr. RAND. No, I don't believe so, Senator. The union had nothing to do with those home demonstrations.

Senator CURTIS. Nothing to do with them?

Mr. RAND. No, sir.

Senator CURTIS. Now, what do you mean by the union?

Mr. RAND. I am saying that the union had nothing to do with those. By the union I mean the UAW, local 833.

Senator CURTIS. How about the international?

Mr. RAND. And the international union.

Senator CURTIS. How about individual representatives?

Mr. RAND. Not to my knowledge. Of the local union or the international.

Senator CURTIS. Both?

Mr. RAND. Not to my knowledge. They had nothing to do with the organization of those.

Senator CURTIS. How about some of these visitors who happened to be in town who were paid by some other local?

Mr. RAND. I have no knowledge of whether they organized them or not, or whether there were such people other than the ones that have been testified here to.

Senator CURTIS. Now the strike bulletin on August 19, 1954, has language like this: "Company shutterbugs and legal bengles are always present at the various demonstrations at scab neighborhoods. Could it be that they have noticed some of their scabs are not showing up for work after they have had a homecoming reception?"

Now does that not indicate that the strike bulletin was promoting these things, and the purpose of them was to keep people from going to work?

Mr. RAND. Do you want me to answer that?

Senator CURTIS. Yes.

Mr. RAND. I don't think so, Senator, and I have already said I don't believe so.

Senator MUXDR. Would it be fair to say, at least on the basis of the strike bulletins we have heard so far, that the strike bulletin representing as it does the official voice of the strikers, did nothing to condemn or to discourage home demonstrations. That would be fair: would it not?

Mr. RAND. Yes; I believe that since we have gone into this matter we have checked, and I have been unable to determine whether or not anything officially was said in the bulletins relative to this thing other than the points that the Senators have brought out.

Senator MUXDR. I bring out to you, if you can supply us with strike bulletins which at any time condemned these home demonstrations, that this committee would be very glad to receive them as evidence.

Mr. RAND. I have tried to find it and I haven't seen anything of that nature.

Senator MUXDR. So I think it would be fair to say that on the basis of the record, there is nothing in the strike bulletin as the official document of the striking union, that would indicate that they had condemned or discouraged the home demonstrations.

Mr. RAND. I think that is right.

Senator CURTIS. Do you know of any home demonstrations carried on at the homes of strikers?

Mr. RAND. No, I don't, Senator. Not offhand; I don't.

Senator CURTIS. In this picture, at this home demonstration that you looked at, was there a Kohler Co. photographer there?

Mr. RAND. I just glanced at it, and Mr. Jacobi is the fellow who took my picture.

Senator CURTIS. Did you see him there?

Mr. RAND. I must have.

Senator CURTIS. Did you attempt to interfere with his taking pictures?

Mr. RAND. No.

Senator CURTIS. Or get in his line of vision or anything?

Mr. RAND. No; he took a pretty good picture there.

Senator CURTIS. That is all at this point. I have something more I want to ask about the clay-boat incident and 1 or 2 other things but the counsel has not reached that yet.

Mr. KENNEDY. I want to take you into the matter that was discussed this morning regarding the clay-boat incident on July 4 or 5, 1955.

Mr. RAND. Yes.

Mr. KENNEDY. You were down at the dock at the time the clay boat came in and was going to be unloaded?

Mr. RAND. Yes, I was, Mr. Kennedy.

Mr. KENNEDY. What time did you arrive down at the docks?

Mr. RAND. It was about 7 o'clock in the morning.

Mr. KENNEDY. Why did you come down at that time?

Mr. RAND. I went down to the clay-boat area to discuss with the drivers the possibility of them refusing to cross our picket lines into the Kohler plant.

Mr. KENNEDY. Cross your picket line where?

Mr. RAND. At the Kohler plant, in Sheboygan, or in Kohler Village, I mean.

Mr. KENNEDY. Did you have a picket line down at the dock?

Mr. RAND. No, sir.

Mr. KENNEDY. Well, there were a group of people down there already.

Mr. RAND. I believe that there were 12 or 15 people, Mr. Kennedy, who were in the general area when I walked down. Incidentally, I walked down from the Grand Hotel, and I think I was at the union office first and I went from there and walked there.

Mr. KENNEDY. Had you known that the trucks were coming in that day, to unload the ship?

Mr. RAND. No; I think it was common knowledge that the trucks would be there, and I am not sure.

Mr. KENNEDY. Well, did you or did you not know?

Mr. RAND. Well, I may have known, and I went down there for the specific purpose of discussing the matter with the truckdrivers.

Mr. KENNEDY. Obviously, you did know that?

Mr. RAND. I must have; yes.

Mr. KENNEDY. And who did you go down with?

Mr. RAND. I went down there alone.

Mr. KENNEDY. Did you talk to the drivers?

Mr. RAND. Yes; the first person that I talked to was one of Buteyns, the fellow who sat on the right hand, I believe he is the fellow that they called "Happy," and I talked to him.

Mr. KENNEDY. Did you tell him that he should not go through the picket line, and should not come in to try to pick up the clay?

Mr. RAND. I discussed the matter with him, and I don't remember the exact conversation, but I did have a discussion with him relative to the truckdrivers going through our picket lines in the Kohler Village, and he said that any problem relative to this we ought to talk to the truckdrivers and I asked him for permission to talk to the truckdrivers.

Mr. KENNEDY. Did you talk to the truckdrivers then?

Mr. RAND. Yes, sir; I did.

Mr. KENNEDY. What was their reaction?

Mr. RAND. As I remember it, each of the fellows, and I think that I talked to 2, or maybe 3 of them, I talked to these fellows, and I explained to them, and I didn't know them, incidentally, I just talked to them as one man to another, and I explained to them that by the unloading of the clay, if they intended to take it into the Kohler plant, there was the possibility, of course, that they would cross our picket lines.

I explained to them—I spent about 10 or 15 minutes with each of them, and I told them what the strike was, and I said I hoped they understood what the struggles were here as it related to the Kohler workers, and I begged them not to cross the picket line.

Mr. KENNEDY. Did you talk to Mr. Peter Buteyn then?

Mr. RAND. Peter Buteyn?

Mr. KENNEDY. The man who owns the company.

Mr. RAND. Yes. As a matter of fact, following my discussion with 2 or 3 of these drivers, I would have talked to more of them, but I did not have the opportunity, and I saw Mr. Buteyn there, and somebody said, "Well, there is Peter Buteyn. Why don't you talk to him?"

Mr. KENNEDY. At that time did you tell him that he should leave, and not come in to try to unload?

Mr. RAND. No; I did not. I don't remember my exact conversation with him, Mr. Kennedy, but I believe it went something like this: I discussed the matter with him, and I explained to him that we had an extreme problem here in Sheboygan, that this was a serious strike, and it was a strike in which we needed the help and the determination of all of the citizens not only of Sheboygan but of the surrounding area, and it was something that we all believed in as a justified fight and all of the people would benefit as a result of our being successful in this kind of an endeavor.

Mr. KENNEDY. You told him all of this?

Mr. RAND. Oh, yes; we had a long discussion. This was following this. We walked away after the group got around us, and he suggested we go over to the side.

He agreed with me, that we did have an extreme problem, and he said that he did not feel that he could actually avoid unloading the clay and taking the clay out there, because he had some personal problems that made it difficult for him to do that.

Mr. KENNEDY. Then did you tell him if he had any financial problems with the bank, that the union would assume those obligations?

Mr. RAND. I explained to him——

Mr. KENNEDY. Just answer the question. Did you tell him that?

Mr. RAND. I think that you ought to allow me just to make this point.

Mr. KENNEDY. I will let you make any point, but I think that you should answer the question, and then you can make the point. Did you tell him that if he had any financial obligations or responsibilities at the bank, the union, or you speaking for the union, would assume those obligations and responsibilities for him?

Mr. RAND. Well, I said that I would attempt to help him with those if I possibly could, as an individual.

Mr. KENNEDY. As an individual? Do you have that kind of money?

Mr. RAND. As an individual. If you will allow me, I would like to make the point that Mr. Buteyn explained to me that he was heavily in debt, and he had a problem if he did not do this work for the Kohler Co., that there was some possibility that he could not meet his personal obligations, and so forth.

I said that I hoped he would not see fit to cross the picket line, but I realized that he did have these problems. I said that I would be more than happy to assist him if I could, and I would do everything in my power to give him a hand if it was within the authority that I had.

Mr. KENNEDY. Therefore, you personally, or the union, would assume the financial obligations which he had responsibility for, if he would not come in and unload the clay boat?

Mr. RAND. No, sir, Mr. Kennedy. I think that he may have assumed that, but that was not my intention.

Mr. KENNEDY. What did you intend, then?

Mr. RAND. My intent at that time was and I feel this way about anybody's problem, that I would like to help them if at all possible.

Mr. KENNEDY. Mr. Rand, you are not going around and setting up an organization where you are going to help anybody out that has a financial problem?

Mr. RAND. No, of course not, Mr. Kennedy.

Mr. KENNEDY. What did you mean, then?

Mr. RAND. If there was any way that I could assist him, I don't know exactly what way that I could, but I was sincere when I said that I hoped that he would give consideration to our problem and certainly I would give consideration to his, as an individual, and do whatever I could to help him if at all possible.

Mr. KENNEDY. What did you feel that you could do for him, and what did you have in mind when you said you would help him out with his problem? Were you going to loan him money? Were you preparing to loan him money?

Mr. RAND. Myself, you mean?

Mr. KENNEDY. Yes.

Mr. RAND. No; I haven't money.

Mr. KENNEDY. Did you assume the union would put up money for him?

Mr. RAND. I have no right to assume that.

Mr. KENNEDY. What did you have in mind when you said you were going to help him out with his financial obligations?

Mr. RAND. Frankly, I had no specific point of view at that time. But, as I say, I was sincere that I would if at all possible. He said the bank was pressing him for his notes or some such thing as that, and I didn't know exactly in what way I may help him or could have helped. But I was sincere that I would try.

Mr. KENNEDY. You are sincere, and I am sure of that, Mr. Rand, and now I am trying to find what you are sincere about. What were you going to help him with? Was the union going to help him or were you going to get your family together and help him out, or what were you going to do?

What were you going to do and what did you have in mind?

Mr. RAND. I really don't know. I don't know. I didn't know his problem and I didn't understand his problem.

Mr. KENNEDY. Why did you tell him sincerely you were going to help him out?

Mr. RAND. Because I meant it.

Mr. KENNEDY. What were you going to do?

Mr. RAND. I don't know and I don't know what I could have possibly have done to help him.

Mr. KENNEDY. That wasn't very sincere of you. If you couldn't help him, and the union couldn't help him, you were less than sincere if you told him you were going to help him out and you didn't have anything to help him out with; is that right?

Mr. RAND. I don't know in what manner I could have helped him, Mr. Kennedy, but I believe that we may have been able to work something out. I don't know. I didn't know what his problem was, other than that he was being pressed for his obligations, and I explained to him that I would be more than happy to help him if I could.

Now, just which way I could do it, I haven't the least idea.

Senator ERVIN. Mr. Chairman, I would like to approach this from the opposite direction.

What impression did you intend to convey to him, to make on his mind, when you said that you would help him out on his difficulty which you say he told you was financial?

Mr. RAND. Well, Senator, I was in hopes that he wouldn't unload that boat and go through the picket line.

Senator ERVIN. I was sure of that. In other words, you were using language which you thought would induce him to refrain from crossing the picket line?

Mr. RAND. Well, the language that was used at that time was a result of our discussion that had taken place, and in which he explained to me that he didn't want to cross the picket lines, but that he said he had no alternative.

He raised this other problem of certain obligations that he had.

Senator ERVIN. He said he had obligations at the bank?

Mr. RAND. That is right.

Senator ERVIN. And you said or told him that if he would not unload the clay, that you would try to help him with his problems notwithstanding the fact that you knew that you had no money of your own to help him with, and notwithstanding the fact that you knew you had no authority from the union to make any such promise on its behalf?

Mr. RAND. I was sincere, Senator.

Senator ERVIN. How can you call that sincere?

Mr. RAND. I didn't say that I would pay his notes, Senator.

Senator ERVIN. Well he told you his problem of bank notes, didn't he, at the bank?

Mr. RAND. It was in a general sort of way, and he didn't tell me his personal business whatsoever, and he explained to me that he had some problems as a result——

Senator ERVIN. Haven't you stated 4 or 5 times that he told you that he had some problems, and he had to carry out this contract with the Kohler Co. because he had some obligations at the bank? Haven't you made that statement.

Mr. RAND. Yes, sir, I have, sir.

Senator ERVIN. So he made a very specific statement as to what his problems were, didn't he?

Mr. RAND. Yes, sir, in a general way, and he didn't tell me——

Senator ERVIN. And you told him if he didn't undertake to unload the clay, that you would try to help him with his problem?

Mr. RAND. No, I said this, Senator: I said that was a decision that he had to make, and that if he decided that he had to follow through and carry out his obligations there was nothing that I could do about it.

Senator ERVIN. Haven't you stated 4 or 5 times that you told him that you would try to help him in solving his problems?

Mr. RAND. Oh, yes.

Senator ERVIN. Then you tell us now that you didn't tell him that, but you told him he would have to work it out for himself.

Mr. RAND. No, I think you misunderstand me, Senator. Maybe I am misunderstanding you. I don't know, but it seems to me that what I am testifying here to is the fact that we did have this discussion relative to his problems. Following this discussion I said, "Well, Mr. Buteyn, that is a decision you will have to make. I can't do anything about it. If you decide to unload this clay, fine. If you do otherwise, there is nothing I can do about it."

Senator ERVIN. But you had told him previous to that you would try to assist him in his problems?

Mr. RAND. In our general discussions.

Senator ERVIN. And the only assistance that it appeared to you, the only assistance he needed, was financial assistance, and that you knew that you were unable to assist him financially, and were authorized by the union to pledge its financial assistance. You call this sincerity?

Mr. RAND. Yes. I went further than that in our discussions, and at least it was my opinion at that time that maybe through the help of the union, that we could assist him in getting other business to offset the loss.

Obviously he would be involved in a loss if he had refused to unload this boat, and it was a problem, and we recognized that problem, Senator, because we had problems.

Senator ERVIN. Did you tell him that if he wouldn't perform this undertaking that you would try to or the union would try to get him other business?

Mr. RAND. Not in those words; no.

Senator ERVIN. Well, you intended him to imagine that. In other words, I am trying to find out what impression you intended to make on his mind when you asked him not to cross the picket line or rather not to come and unload the clay, and you said that you would assist him with the problems that he had, which he had assured you were financial problems.

Mr. RAND. Senator, I implied at that time that I would be as helpful as I could in trying to assist him in his problems. I had nothing specific in mind.

Senator ERVIN. You were making a general statement like the politician who said, "I believe in the greatest liberty to the greatest number and I will do what I can to achieve it," something like that?

Mr. RAND. Yes, Senator.

Senator CURTIS. Now, the Buteyn Co. were not part of the Kohler Co., were they?

Mr. RAND. No; not to my knowledge.

Senator CURTIS. They had no labor difficulty with their employees that you know of, did they?

Mr. RAND. No, I don't think so, other than the fact that it is testified here this morning that they switched drivers or some such thing. I believe that was the testimony, and I don't know if that implied difficulty.

Senator CURTIS. But they weren't parties to the union's contest with Kohler Co., were they?

Mr. RAND. Not to my knowledge.

Senator CURTIS. No, and now, as a matter of fact, this thing went to court, didn't it?

Mr. RAND. This particular case went to court. What are you referring to?

Senator CURTIS. This action against the Buteyn Co.

(Witness conferred with his counsel.)

Mr. RAND. I have no knowledge of that offhand.

Senator CURTIS. What I mean, there was an action brought against the union. I have here a decree from the Seventh Circuit of the United States Court of Appeals, where the National Labor Relations Board is petitioner, and local 833 and others are the respondents:

It is hereby ordered, adjudged, and decreed that the respondents, Local 833, International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America, UAW-CIO, and International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America, UAW-CIO, shall:

1. Cease and desist from, a, picketing Buteyn Construction Co., city of Milwaukee, Cheyenne Northwestern Railway Co., or any other employer or person using, selling, handling, transporting, or otherwise dealing in the products of or for Kohler Co., or doing business with Kohler Co. (except for primary picketing at Kohler Co. premises) where an object thereof is to force or require Paper Makers Importing Co., Inc., Himmill & Gillespie, Inc., Buteyn Construction Co., city of Milwaukee, Wis., Cheyenne Northwestern Railway Co., or any other employee or person, to cease using, selling, handling, transporting, or otherwise dealing in the products of or for Kohler Co., or to cease doing business with Kohler Co., or with any other employer.

It mentions the using of threats and the like.

Mr. Chairman, I ask that this decree be received and made an exhibit.

The CHAIRMAN. It will be made exhibit No. 62.

(Document referred to was marked "Exhibit No. 62" for reference, and may be found in the files of the select committee.)

Mr. RAUH. That decree is also a part of the exhibit that we have filed.

Senator CURTIS. It is already in there?

Mr. RAUH. Yes; but it doesn't matter to us, if it can go in twice.

The CHAIRMAN. Since it is not going to be printed, it will be one more paper to take care of, and it won't encumber the record.

Mr. RAUH. May I just point out to complete this, sir, that this document there is based on a stipulation between the union and the NLRB, and the other parties which contains this sentence:

This stipulation contains the entire agreement between the parties, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this stipulation, and nothing herein shall be construed as an admission that respondents or any of them violated the provisions of the National Labor Relations Act, as amended, nor shall the stipulation be admissible in any other proceedings.

Although, I guess, it has been put in evidence in this proceedings.

Senator CURTIS. The decree doesn't say anything about the stipulation.

The CHAIRMAN. It is now exhibit 62.

The committee will stand in recess until the members can go to the Chamber and vote, and then return. We will try to resume in 15 minutes.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

(Member present at the convening of the session was: Senator McClellan.)

The CHAIRMAN. At this time the committee will recess until 10 o'clock in the morning.

(Whereupon, at 4:35 p. m., the committee recessed, to reconvene at 10 a. m., Thursday, March 13, 1958.)

(Member present at the taking of the recess was: Senator McClellan.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, MARCH 13, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:23 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adelman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were: Senators McClellan and Mundt and Goldwater.)

The CHAIRMAN. Mr. Rand, come forward, please.

TESTIMONY OF DONALD RAND—ACCOMPANIED BY COUNSEL, JOSEPH L. RAUH, JR.—RESUMED

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Rand, we were talking about the unloading of the clay boat, July 5, 1955. We had established that you were down there at about 7:30 or 7 o'clock in the morning, that the Buteyns brought their crane and other equipment down, that you spoke to the drivers, requesting that they not go through, and that you then had some conversation with the Buteyns themselves. I think that is about as far as we had gone yesterday, is that correct?

Mr. RAND. I think so. I believe we ended up when one of the Senators brought up the question of whether or not the clay boat incident had been part of some legal matter.

Mr. KENNEDY. Did you remain down at the clay boat the rest of the day?

Mr. RAND. No, I didn't, Mr. Kennedy.

Mr. KENNEDY. After you had the conversation with the Buteyns, what did you do?

Mr. RAND. Well, I don't remember the exact chronology of events that took place, but to the best of my memory, I left that area at that time and went back to my office.

Mr. KENNEDY. What time would that be?

Mr. RAND. Well, shortly after the conversation that I had with Mr. Buteyn.

Mr. KENNEDY. That would be about 8:30 or so?

Mr. RAND. Yes, I believe it was.

Mr. KENNEDY. Nine o'clock or 8:30?

Mr. RAND. Yes, I believe it was.

Mr. KENNEDY. How many people were down at the dock at that time, approximately?

Mr. RAND. I believe that there may have been 100 people or so in the general vicinity. That is along by the armory there, along Pennsylvania Avenue.

Mr. KENNEDY. Did you request anybody to come down to the dock?

Mr. RAND. Do you mean in the morning, Mr. Kennedy?

Mr. KENNEDY. Well, the day before. Had you requested anybody to go down to the dock?

Mr. RAND. No. The only person that I even discussed this matter with was an international representative, Raymond Majerus. I had discussed with him the possibility that I might go down to the area and discuss the problem with the truckdrivers.

Mr. KENNEDY. Had you requested anybody to come down to the dock?

Mr. RAND. I believe I might have requested that Ray come down there, or words to that effect.

Mr. KENNEDY. Did you tell anybody else, any of the members of local 833?

Mr. RAND. No, It didn't.

Mr. KENNEDY. You did not tell them to come down to the dock and act as pickets?

Mr. RAND. No, sir.

(At this point, Senator Curtis entered the hearing room.)

Mr. KENNEDY. Are you sure of that?

Mr. RAND. Yes, I am positive of that.

Mr. KENNEDY. What about the morning of July 5, after you went back to your office, did you try to get people to come down to the dock then?

Mr. RAND. No, sir.

Mr. KENNEDY. You didn't take any steps to get people down to the dock?

Mr. RAND. No, sir.

Mr. KENNEDY. Had you planned to come back to the dock yourself?

Mr. RAND. Yes; I did.

Mr. KENNEDY. After you went to your office?

Mr. RAND. Yes.

Mr. KENNEDY. What did you do then? You came back to the dock later on?

Mr. RAND. Yes.

Mr. KENNEDY. What time was that?

Mr. RAND. I am not sure of the time; sometime in the morning; maybe 11 o'clock.

Mr. KENNEDY. Why had you come back?

Mr. RAND. Well, I had heard from various people who had come into the office that there was an increasing number of people in the general vicinity and I went down there out of curiosity to find out what was going on.

Mr. KENNEDY. How many people were there when you finally got back?

Mr. RAND. It is a little difficult to estimate the number of people, because this is quite a long while ago. I would estimate that there must have been four or five hundred men, women, and children in the general area.

Mr. KENNEDY. Were there pickets, representatives of the local No. 833 picketing the area at that time?

Mr. RAND. No, sir; not to my knowledge.

Mr. KENNEDY. Well, were there people walking in a circle acting as pickets?

Mr. RAND. No, sir.

Mr. KENNEDY. There were not?

Mr. RAND. No, sir.

Mr. KENNEDY. Had you arranged for people to go down there and walk in a circle?

Mr. RAND. No; I had not.

Mr. KENNEDY. Had you arranged for anyone to go down and block the entrances?

Mr. RAND. No; I hadn't.

Mr. KENNEDY. Had anybody to your knowledge, any official of local No. 833 or the UAW, arranged for people to go down there and act as pickets?

Mr. RAND. I don't believe so.

Mr. KENNEDY. Well, do you know?

Mr. RAND. To my knowledge, I am almost positive that nobody from the local union had made such an arrangement.

Mr. KENNEDY. Do you have any idea that such arrangements were made?

Mr. RAND. No, sir; I do not.

Mr. KENNEDY. Then all of these people appeared down there without any instructions or orders from any official of local No. 833?

Mr. RAND. Well, Mr. Kennedy, there were many people in the area. They were not strikers or Kohler workers as such. Just who they were, I don't know. There were men and women and children of all descriptions there.

(At this point, Senator Ervin entered the hearing room.)

Mr. KENNEDY. I am trying to find out regarding 833 and the UAW. None of the representatives of that union at the dock, on this date, had been instructed to go down there by any representative of local 833?

Mr. RAND. I am sure they had not been instructed to go there by local 833.

Mr. KENNEDY. You went back again at 11 o'clock?

Mr. RAND. Yes.

Mr. KENNEDY. Or 11:30?

Mr. RAND. Yes.

Mr. KENNEDY. How long did you remain down there at that time?

Mr. RAND. I may have stayed down there in the neighborhood of, I would say, less than an hour.

MR. KENNEDY. How many people were there at that time?

MR. RAND. As I stated, I believe there were more than four or five hundred men, women, and children.

MR. KENNEDY. What did you do when you were there?

MR. RAND. As I recall it, this is the time at which the automobile which Mr. Biever was riding in arrived on the scene.

MR. KENNEDY. What did you do?

MR. RAND. Well, I saw the people run over to the car and I heard somebody say, "There is Biever again."

I had known, of course, that Mr. Biever had quite a reputation, and wasn't too well liked by the people. As a matter of fact, he had been convicted of running over one of the pickets. I don't think that has been mentioned here yet.

I realized that with the people running up to this car, that something might happen. I immediately walked over to the car and I talked to a detective. I didn't know he was a detective. I believe he was in plain clothes. I didn't know who he was. I said something to the effect that, "Why do you bring Biever down here? Are you people trying to start a riot?"

With that, he eventually was able to move the car and back the car up and get out of there.

(At this point, Senator Mundt withdrew from the hearing room.)

MR. KENNEDY. That is all you said?

MR. RAND. That is all. I believe so; yes, Mr. Kennedy.

MR. KENNEDY. Were they trying to get into the dock area at that time?

MR. RAND. No. This was up at the top of Pennsylvania Avenue, which is—I would estimate that this must be 200 yards from the area. I don't believe that they had any intentions of going with that car into the dock area.

MR. KENNEDY. Did you swear at the police officer and tell him to get Biever out of there?

MR. RAND. I might have, in the throes of the emotions that existed in that crowd, swore at him, merely as a means of expression. I had nothing against this man. I didn't know him. But I realized that Mr. Biever being there, that our people disliked him, and I think they have a right to dislike him with his reputation. I realize that Mr. Biever could spell trouble. I thought that it was ridiculous, I thought it was very stupid of anybody to bring Mr. Biever of all people into that crowd. They drove right down into the middle of the crowd, and the people swarmed over the crowd. I pushed my way through and spoke to the detective.

MR. KENNEDY. And Biever left?

MR. RAND. Yes. The car containing Mr. Biever left.

MR. KENNEDY. Did you take any positive action at that time, when there were four or five hundred people who were aroused, to try to get those people to go home?

MR. RAND. As an individual?

MR. KENNEDY. As an individual or as a representative of the UAW?

MR. RAND. Well, I talked to a lot of people. I did not know too many there. I was not too well known. I went further than that. I did run into a representative of the Sheboygan labor organizations

there in the city, and I discussed the matter with him. I suggested to him that he ought to use whatever authority he had, and if he knew any of the people, that he ought to advise them that they ought to go home and they ought to leave that area. I did my best, with the people I knew. I spoke to them and urged them that they ought to leave that area, this was something that didn't represent an advantage to the union, and if anything it would be a reflection upon our union, and the people there would be considered as being part of the union, and we ought not to have anybody there if at all possible.

Mr. KENNEDY. Did you take the action to get the people to go home?

Mr. RAND. I did personally. I talked to some people.

Mr. KENNEDY. Did you make a speech and tell the people to go home?

Mr. RAND. No; I didn't make a speech. I believe Mr. Schuette made a speech.

Mr. KENNEDY. As an international representative of the UAW, did you tell the people from the UAW to go home?

Mr. RAND. As an individual, I did. I went to as many people as I knew, Mr. Kennedy. I didn't get up and make a speech. I don't think those people hardly knew me, the general people who were there, because I don't think they were union people in the sense that they were Kohler workers. But Emil Schuette, who was a representative of the labor organizations, did speak to the people.

I urged that he talk to them.

Mr. KENNEDY. Who were some of the people that you told to go home?

Mr. RAND. Well, I discussed the matter with Allen Grasskamp, the president of the local union.

Mr. KENNEDY. Did you tell Allen Grasskamp to go home?

Mr. RAND. No; I suggested that Allen being the president of the local union, that he ought to talk to as many people as he knew. He said "Don, there are darn few people down here. I will talk to the people."

I said, "If there are any people, you ought to immediately urge our people if at all possible to leave that area."

Mr. KENNEDY. Who else did you talk to?

Mr. RAND. I don't remember any particular person.

Mr. KENNEDY. Tell us one person that you talked to and told to go home.

Mr. RAND. No, I don't remember any names, Mr. Kennedy.

This is quite some time ago.

Mr. KENNEDY. I am just asking for one person's name that you told to go home.

Mr. RAND. One person?

I don't know. I wouldn't—I knew very few names, Mr. Kennedy, other than the stewards and the bargaining committee, the strike committee members. I didn't know people by their names. I knew them by their faces, as strikers, but I didn't know their actual names. There were hundreds of people there. I did know Emil Schuette, and that is the person whom I spoke to.

The CHAIRMAN. You told Buteyn to go home, didn't you?

You remember that.

Mr. RAND. I requested, Senator, that——

The CHAIRMAN. You told Buteyn then to get out of there, didn't you?

Mr. RAND. No, I didn't. I suggested that he cooperate.

The CHAIRMAN. Do you deny that you told them to get away from there?

Mr. RAND. I suggested, Senator, that Mr. Buteyn ought to cooperate with us, and not unload the crane or go through our picket lines.

The CHAIRMAN. Do you know about the vandalism that went on there on those trucks?

Mr. RAND. No, I don't, sir. I know about it now.

The CHAIRMAN. You know about it now?

Mr. RAND. Yes, sir.

The CHAIRMAN. Did you see any of it happening?

Mr. RAND. No.

The CHAIRMAN. Did you order it done?

Mr. RAND. No.

The CHAIRMAN. Did you order them not to do it?

Mr. RAND. No.

The CHAIRMAN. All right. Senator Goldwater?

Senator GOLDWATER. Mr. Rand, you are telling us that the union had nothing to do with this clay-boat strike, that you as an international representative and others had nothing to do with the plans for it. Are you trying to tell us that?

(The witness conferred with his counsel.)

Mr. RAND. Well, I would like to refer to the——

Senator GOLDWATER. No; I would like you to answer me. I don't want you to refer to anything. Just tell me "Yes" or "No."

Mr. RAND. What is your question, Senator?

Senator GOLDWATER. Are you trying to tell us that the union had nothing to do with the plans involving the clay boat?

Mr. RAND. Involving the clay boat?

Senator GOLDWATER. That is right.

Mr. RAND. It has already been testified that we had these boats out there. I have already testified that I talked to the truckdrivers. When you say involving the clay boat, I don't exactly understand what you mean.

Senator GOLDWATER. All right. I will put it another way. Are you trying to tell us that you had nothing to do with the incident at the clay boat?

Mr. RAND. I beg your pardon? That I had——

Senator GOLDWATER. Am I speaking loud enough?

Mr. RAND. Yes, but I don't understand your question, Senator.

Senator GOLDWATER. Well, let me see if I can put it some other way. Are you trying to say that you were in no way involved in the plans that set up the incident at the clay boat?

Mr. RAND. That I was in no way involved in setting up the plans?

Senator GOLDWATER. That is right. You can say "Yes" or "No" to that.

Mr. RAND. I didn't set up the incident at the clay boat, Senator.

Senator GOLDWATER. Did you have anything to do with it?

Mr. RAND. With the incident at the clay boat?

Senator GOLDWATER. Yes.

Mr. RAND. No, sir.

Senator GOLDWATER. Did the union?

Mr. RAND. No, sir.

Senator GOLDWATER. That is a very strange thing, Mr. Rand. I am getting a little tired of you international representatives who are supposed to know something about what is going on in your union, sitting here under oath and telling us that you are innocent, that you don't know anything about this strike, that you had nothing to do with it. Let me read you something from the CIO Broadcast Station WHBL, July 11.

This was after the clay-boat incident. I am quoting:

This is Bob Treuer with today's Kohler strike report and some very good news.

Senator MUNDT. Mr. Chairman, I think I should caution Mr. Rauh again. He has been pretty good for a couple of days, but three times this morning he has been whispering to the witness. Under our rules, the counsel is there only to respond to inquiries from his client.

Mr. Rauh, you know that.

I understand that inclination to whisper something to him is there, but under the rule of the committee, you are to advise him only when he solicits it and not volunteer anything.

The CHAIRMAN. The Chair will make a ruling on that. The counsel can advise his client any time with respect to his legal rights.

Generally the client inquires. But a counsel is entitled to advise his client as to his legal rights. If I find counsel is simply coaching a witness and telling him how to testify, I would hold that strictly in violation of the rules of this committee and take appropriate action.

Mr. RAUH. Mr. Chairman, Senator Goldwater asked the witness a question. He asked if he could read something. Senator Goldwater did not permit him to. I was advising him that his legal right was to appeal to you for the privilege of reading the document which Senator Goldwater had refused him the privilege. I have been trying to get it clear with him how you do this. I think the words I have been trying to tell him were appeal to the chairman for the right to read this document. That was the sole conversation.

The CHAIRMAN. That would be appropriate legal advice. Proceed.

Mr. RAND. May I read this?

Senator GOLDWATER. Mr. Chairman, I am in the middle of reading something here. I think Mr. Rand can wait. I am not objecting to his reading that, but I want him to read it at the proper time.

Mr. RAND. Why don't you go ahead, Senator, and I will wait.

The CHAIRMAN. Just one moment. You were interrupted by Senator Mundt to make an objection to counsel's behavior, and the Chair tried to rule on it. You have the floor. You may proceed.

Senator MUNDT. Behavior might be a strong term, Mr. Chairman. I was trying to give him a friendly suggestion.

The CHAIRMAN. I will soften it down to suggest to his client. Now we have it softened up.

Senator GOLDWATER. Now I will start over again.

This is Bob Treuer with today's Kohler strike report and some very good news. The *Fossum*, carrying clay for the Kohler Co., has been chased out of Wisconsin waters by the pressure of public opinion and the solidarity of labor.

Mr. Rand, do you still want to tell us that the union had nothing to do with the plans for preventing the unloading of that clay boat?

Mr. RAND. I would like to read, if I may, Senator, from the——

The CHAIRMAN. Answer the question.

Senator GOLDWATER. Let me finish with what I have, and I will be happy to sit and listen to what you have.

Mr. RAND. As I understand your question, Senator, you asked me whether or not the union had any plans involving this matter.

Senator GOLDWATER. No. I asked you: In view of the fact that your own radio announcer announced a few days after this incident the success of the pressure of public opinion and the solidarity of labor, your own man said that, do you still want to sit there and tell us that the union had nothing to do with the plans for that incident?

Mr. RAND. No, I don't believe the union did have any plans for the incident.

Senator GOLDWATER. Let me read you something else, then. This is from the same broadcast, and I will quote:

Kitzman announced that Kohler local 833 will put up a picket line at any and every dock, pier, and port where boats loaded with hot clay for the Kohler pigeons make an attempt to unload their unwanted cargo.

Do you still want to say that the union had no part in the plans for preventing the unloading of the clay boat?

Mr. RAND. Whether the union had any plans for unloading the clay boat?

Senator GOLDWATER. Any part in the plans for unloading the clay boat.

Mr. RAND. You had said before the incident, Senator.

Senator GOLDWATER. Well, let's call it the incident, then, if you want to stick to that word.

Mr. RAND. No, the union had no plans for the incident.

Senator GOLDWATER. Did the union have any part in the plans to prevent the unloading of the clay boat?

Mr. RAND. No, other than the fact that we hoped that the teamsters wouldn't cross our picket line at the Kohler Village.

Senator GOLDWATER. Was there a meeting held at any time during which the coming unloading or attempted unloading of the clay boat was discussed?

Mr. RAND. I believe, Senator, that we had discussed the clay boats on many occasions.

Senator GOLDWATER. And no union members were told to be at the clay boat to prevent the unloading?

Mr. RAND. I don't believe so.

Senator GOLDWATER. Can you say, categorically, that they weren't or were?

Mr. RAND. To the best of my knowledge, they weren't, Senator.

Senator GOLDWATER. This is a very strange pattern. You are an international representative, supposed to know something about what is going on in your union. I think you know a lot more than you are telling. Is Charles Schultz still the State director of the CIO in Wisconsin?

Mr. RAND. Yes; I think he is, Senator.

Senator GOLDWATER. Well, he was at the time. If I am not mistaken, and the copies of the press are coming to me in the mail now.

the press in Milwaukee carried a threat of Charles Schultz that he would call a citywide strike if the clay boat attempted to unload in Milwaukee. Do you recall that?

Mr. RAND. I don't think you have it exactly correct. I think the statement was to the effect that he included the whole State of Wisconsin.

Senator GOLDWATER. That he would call a general strike of the whole State?

Mr. RAND. Of the whole State. That is what he said.

Senator GOLDWATER. Did you know anything about that statement before it was made?

Mr. RAND. I did not; no, Senator. I would have been opposed to it if I had had the opportunity to have an opinion.

Senator GOLDWATER. Let me ask you one more question. Did the union have a man on the *Fossum* from Detroit on into Milwaukee, the UAW?

Mr. RAND. Not to my knowledge; no, sir.

Senator GOLDWATER. Have you ever heard that story?

Mr. RAND. No; I haven't.

Senator GOLDWATER. I have no evidence at the moment to go on, so I will not press it. But the information that has reached me, and it is supposed to be substantiated by press statements, is to the effect that the union had a man on that boat all the way from Detroit to where it was to be unloaded.

Mr. Chairman, because I do not have the newspaper evidence at the moment, I am going to refrain from questioning on Mr. Schultz further. But it may develop that it will be necessary to request that Mr. Schultz be subpoenaed to appear here as a witness, because I am convinced that these incidents, these riots, were planned by the union and executed by the union, in spite of what the witness says. If we have to drag every man in Wisconsin down here to prove it, I think we ought to do it.

Mr. RAND. Mr. Chairman, may I read this?

Senator GOLDWATER. Now you can read that.

The CHAIRMAN. The Chair would make this observation. I have repeatedly stated that a subpoena will be issued for any witness that any member of the committee desires to have here. I don't think we will need all of the people of Wisconsin. If so, we are going to have to get an increase in appropriations. But I am ready to issue a subpoena for any witness that any member of this committee wants. I share the view expressed. I am not convinced that this big union and all of its international representatives are so innocent in this thing, but I am trying simply to get the facts and to get the proof. The witness has some kind of a statement there.

What did you have in mind?

Had you finished, Senator?

Senator GOLDWATER. Yes.

Mr. RAND. I would like to refer to the examiner's findings; Mr. George Downing.

The CHAIRMAN. We have the examiner's findings on file.

Mr. RAND. Yes. I wish to refer to page 52, Senator.

The CHAIRMAN. You may read briefly from it.

Mr. RAND. He stated as follows:

By an amended answer, respondent also charged the local and international union and their officers, agents, and members with engaging in a conspiracy regarding the clay-boat incident on July 5, 1953, with violent and unlawful conduct in carrying out said conspiracy and with abusing the processes of the board in that connection. Respondent made no reference to that defense, either in brief or in oral argument, and has, presumably, abandoned it. In any case, the record fails to establish it.

I thought that we ought to put that into the record, because it obviously represents the opinion of Mr. Downing as it relates to this problem.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. The opinion and the findings of the examiner have their weight. This committee might find otherwise than the examiner.

Senator Mundt.

Senator MUNDT. Mr. Rand, did you have any conversations with Mayor Ploetz on the day of what you call the clay-boat incident? By the way, calling what took place there as an incident is a good deal like calling the Korean war the Korean incident, in my opinion. It sounds like a riot when you smash up the machinery. But I will not quarrel about the language, so we will use your term.

Mr. RAND. Senator, I don't think you can compare the clay-boat incident with the Korean war. I think that is sort of ridiculous.

Senator MUNDT. I grant that. But I think the use of terminology, the description is comparable. I don't think you can describe the Korean war is an incident. I think it was a war. And I think this was a riot. You can call it an incident, or you can stay by your original description, or, if not yours, it is Mr. Treuer's, the UAW naval regatta, where they sent some boats out to meet the ship. I am not going to quarrel about whether it was an incident, a navy, or a riot. We know the day we are talking about, don't we?

Mr. RAND. Yes; the day.

Senator MUNDT. On this day, did you have a conversation with Mayor Ploetz?

Mr. RAND. I don't believe I did.

Senator MUNDT. You ought to know that.

Mr. RAND. I don't think so, Senator. I talked to a lot of people down there. I may have spoken to him, maybe in a casual fashion.

Senator MUNDT. There would be nothing wrong with talking to the mayor. What I am trying to find out from you under oath is whether you put in his mind this idea that before the trucks were to be removed from Pennsylvania Avenue he was to make a statement or a promise that they would never again unload a clay boat.

Mr. RAND. No, sir; I did not.

Senator MUNDT. You had nothing to do with that whatsoever?

Mr. RAND. Nothing whatsoever.

Senator MUNDT. You were in the hearing room yesterday, were you not?

Mr. RAND. Yes; I was.

Senator MUNDT. You heard Mr. Cornelius Buteyn testify, better known as Happy, I believe?

Mr. RAND. Yes.

Senator MUNDT. He testified that you said to him—well, first let me ask you: You were there in the evening, were you not? You had been away from the scene of the incident and back to the scene at the dock during the day, but you were there at the conclusion, were you not?

Mr. RAND. Yes, I was.

Senator MUNDT. He testified that you said to him, No. 1:

We are going to pull out all the stops to prevent you from moving this clay.

Did he say that?

Mr. RAND. I don't believe he testified to that effect. He didn't testify to that effect, Senator.

Senator MUNDT. I think he did. If it were not him, then it was Peter. It was one of them. But let's forget whether he testified to it. Let me ask you the question, so we will not have to go through the record. We will waive that point, Mr. Rand. Let me ask you this question. Counsel tells me he did testify.

Mr. RAND. No, not exactly the way you put it, Senator.

Senator MUNDT. Well, maybe you would like to read it to me.

Mr. RAND. It is on page 2064.

Senator MUNDT. Read what he said.

Mr. RAND (reading):

Mr. KENNEDY. Who said that to you?

Answer. Don Rand and Ed Kalupa.

Senator MUNDT. Did Don Rand and Ed Kalupa say that?

Mr. RAND. No, sir, Senator.

Senator MUNDT. Neither one of you said it?

Mr. RAND. I don't know whether either one of us said it. I know I didn't say it.

Senator MUNDT. Did Ed Kalupa say it in your presence?

Mr. RAND. I don't know, Senator. He may have.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

Senator MUNDT. You were there?

Mr. RAND. Well, Senator, there were—

Senator MUNDT. He testified that the two of you said it and I am asking whether Ed Kapula said it in your presence or in your hearing, or did you hear him say it?

Mr. RAND. No, I don't remember hearing him say it and he may have said it, and I don't know.

Senator MUNDT. In other words, on this point you say that your memory is not positive, and he may have said it and he may not have said it?

Mr. RAND. He may have said it.

Senator MUNDT. You didn't say it?

Mr. RAND. I don't believe so.

Senator MUNDT. He also testified that you called him—I don't exactly have the language—later on in the day you called him a scab with a considerable number of adjectives in front of it, and one was "scummy."

This is the sworn testimony of Happy Buteyn. Mr. Buteyn quoted you as saying, "You're nothing but a dirty, filthy, scummy scab."

I ask you under oath, did you say it?

Mr. RAND. No, I didn't say that, Senator.

Senator MUNDT. You are positive?

Mr. RAND. I am quite positive. That isn't my language.

Senator MUNDT. I want you to be positive because this is going to be the first time in these hearings when I am going to have to request the chairman to send a transcript of these hearings to the Attorney General to see who is perjuring himself, because obviously if Mr. Buteyn said you say it, and you say you didn't say it, and you can advise with counsel on this, but I think he will agree with you, someone is perjuring himself.

Mr. RAND. I don't have to ask my counsel about this. I don't believe that I said that, Senator. I mean that honestly.

Senator MUNDT. That isn't the question. I want you to be able to tell me. Are you able to say categorically "I did not say it," because he categorically said you did?

Mr. RAND. Anything that happened at that time, it would be most difficult for any individual to remember exactly. I don't believe that I said that.

Senator MUNDT. That isn't the question. Are you able to testify categorically to the effect that you did not say it?

Mr. RAND. I don't believe, Senator, that I said that at that time.

Senator MUNDT. I am not asking you that, and you said that, and I will grant you, and you said that three times.

Mr. RAND. I may have said a lot of things, but I don't remember them.

Senator MUNDT. My question to you, sir, is this: Are you able to testify categorically that you did not say it?

Mr. RAND. Senator, I would answer your question this way: I don't believe that I said that.

Senator MUNDT. You answered that four times.

Mr. RAND. Many things happened, and I can't remember that.

Senator MUNDT. I think the witness should be directed to answer the question.

Mr. RAND. I certainly want to answer your questions, Senator.

Senator MUNDT. And I will repeat it for the final time and call for a hearing from the Chair.

Mr. RAND. I have told you that I don't believe that I said that, and I mean that honestly.

Senator MUNDT. That has nothing to do with it.

Mr. RAND. That has nothing to do with it?

Senator MUNDT. That was my question.

Mr. RAND. Maybe I misunderstand you.

Senator MUNDT. My question is: Are you able to say under oath, categorically, that you did not say that?

The CHAIRMAN. That you can answer, "yes" or "no."

Mr. RAND. I cannot say "yes" or "no" to that. I may have, I don't know. I may have said that.

The CHAIRMAN. That isn't the question now. The way this question is posed is this: Are you able to say, categorically, "No" that you did not say that?

Now you can say that you did or you did not.

Mr. RAND. No, sir; Senator.

The CHAIRMAN. You say you don't remember saying it?

Mr. RAND. I can't say it.

The CHAIRMAN. You don't believe you said it and so you are not able to say categorically, "No, I didn't say it." Am I right?

Mr. RAND. Yes.

The CHAIRMAN. All right.

Senator MUNDT. Now this is what I have been trying to get from you all of the way through, and I want to ask you directly and have the direct answer.

Mr. RAND. I didn't know what you were trying to get at.

Senator MUNDT. Now you know. Are you able, categorically, to say that you did not say to Mr. Buteyn, "You are nothing but a dirty, filthy, scummy scab"?

Say "Yes" or "No" to that question and then you can make any explanation.

The CHAIRMAN. That is the same question.

Mr. RAND. I think it is, and haven't I already answered that?

Senator MUNDT. I am not sure. Do you understand the question? And I am asking you to make sure I get an answer.

The CHAIRMAN. The witness will answer.

Mr. RAND. No, I cannot answer whether, as you put it—in the manner in which you have put it, Senator.

Senator MUNDT. That is what I want to find out, because Mr. Buteyn was very specific and categorical about his statement.

What is your present position with the UAW, Mr. Rand?

Mr. RAND. I am the administrative assistant to the secretary-treasurer, Mr. Emil Mazey, of the UAW.

Senator MUNDT. At the time the strike started, however, you were international representative?

Mr. RAND. Yes, at the time the strike started I was with the skilled trades department, and then——

Senator MUNDT. When were you elevated to your present position?

Mr. RAND. Well, shortly after our convention I was assigned to the region 1 staff, in the city of Detroit; then I was assigned to the Kohler boycott program; and then I believe I was appointed to the administrative assistant post sometime in October of 1956.

Senator MUNDT. In all events, there was nothing in any of your conduct at Sheboygan which prevent Mr. Mazey from appointing you as his administrative assistant.

This was after you had been there, and after the so-called clay boat incident, and after you had been on the scene at Sheboygan. You were subsequently appointed to your present position?

Mr. RAND. Yes.

Senator MUNDT. For a while, and maybe now, but for a while you were in charge of boycott activities; is that right?

Mr. RAND. I still am.

Senator MUNDT. You still are?

Mr. RAND. Yes.

Senator MUNDT. And I presume that some of your representatives make some kind of inducements or representations to builders and distributors and others in an attempt to get them to stop using Kohler fixtures; is that right?

Mr. RAND. Well, you covered a lot of territory, Senator, and I think the answer is "Yes."

Senator MUNDT. And what kind of inducements or representations do you make?

Mr. RAND. I don't know whether the word "inducement" is the correct word to use in that regard. I would say——

Senator MUNDT. I was trying to avoid the use of the word "threat," but I am——

Mr. RAND. I don't insist that you use that.

Senator MUNDT. I will volunteer it.

Mr. RAND. Well, let us say that the program of the boycott is one of telling the story of the Kohler strike, and to urge people not to buy Kohler products.

Senator MUNDT. And what tactics or devices or methods or inducements or threats or representations do you make to try to achieve that result?

Mr. RAND. That would take me a long while to answer that question, Senator. To my knowledge, we don't use any threats, and we don't use inducements, but we do tell the story of the Kohler strike, and urge people not to purchase products which are made by the Kohler Co., of Kohler, Wis.

Senator MUNDT. By the printed word, or do you tell that verbally?

Mr. RAND. Oh, yes; we do.

Senator MUNDT. Or any other way?

Mr. RAND. Yes.

Senator MUNDT. How else?

Mr. RAND. Well, let me try to answer your question, and you ask a series, and it is a little bit difficult for me, Senator. As you well know, we have various printed materials dealing with the issue involved in the strike, the hardships of the people.

Senator MUNDT. You don't have to describe all of them to me, and I am sure that you have it.

Mr. RAND. I think that you ought to have the benefit of what the Kohler strike is all about. You asked Mr. Conger to tell about his activities in 1934, and I would like to tell about mine in 1954.

Senator MUNDT. It has been told a great many times and I think we know what the strike is about, but if you want to submit some of your literature as exhibits, I think that would be perfectly proper.

Mr. RAND. It is an unusual strike and an unusual company, Senator, and actually this is a sordid story that shouldn't have to be told because as the examiner said in the record, that this company was bargaining not to reach, but to avoid, an agreement.

That is the cause of our boycott and all of the subsequent events, that this company, as he said, bargained to avoid, and not to reach, an agreement with this union.

Senator MUNDT. I presume that is part of the story that you tell in the printed word.

Mr. RAND. We certainly have told it.

Senator MUNDT. And I presume you tell that story verbally?

Mr. RAND. And I am trying to tell it to all of the people within listening voice, that this company is an unfair company and should be dealt with accordingly.

Senator MUNDT. What other means do you use besides telling that story verbally and putting it in print? Is that the extent of the boycott activities?

Mr. RAND. Basically, that is it. We talk to as many people as we can.

Senator MUNDT. That is verbally.

Mr. RAND. And we have materials.

Senator MUNDT. You distribute literature?

Mr. RAND. Yes; we do distribute it to as many people as possible.

Senator MUNDT. Now you do it by printed word and you do it by verbal representations, and are there any other methods that you employ?

Mr. RAND. Well, we have developed a program which you might say is one of advertising; that is, advertising the fact that the Kohler Co. is an unfair company.

Senator MUNDT. That would be a printed proposition, I presume?

Mr. RAND. I beg pardon?

Senator MUNDT. That would be either printed or verbal?

Mr. RAND. Oh, yes.

Senator MUNDT. We have covered that, and I am asking you whether, beyond the printed word, and that can be a booklet and it could be an advertisement, and it could be anything that is in print, black or white or colors, and verbally, which can be talking to a man individually, or giving a speech, or giving a radio broadcast.

Now, beyond that, beyond verbal and printed representations, do you try to do anything else to stop people from buying Kohler material?

Mr. RAND. As much as we possibly can.

Senator MUNDT. What else do you do?

Mr. RAND. As we have pointed out here, we use various types of advertising.

Senator MUNDT. That is printed.

Mr. RAND. And direct approach to individuals and groups.

Senator MUNDT. That is talking to them, and what else?

Mr. RAND. We use the various means of advertising.

Senator MUNDT. That is still printed. You print material and you say things and we know that, and now do you do anything else?

Mr. RAND. Well, it is a little difficult for me to say.

Senator MUNDT. You are the head of the whole movement, and you have an office and you have a lot of people working for you, and I am simply asking you the question: Do you do anything else besides say things verbally, and in print, trying to induce people or convince them, if you don't like the word "induce" to convince people not to buy Kohler products?

Mr. RAND. No; I think that you covered quite well that we advertise, and that we do that in two methods, by printing and by discussions with those people.

Senator MUNDT. Your testimony under oath is that those are the only two things that are done under your direction as part of the boycott?

Mr. RAND. I don't know. You make it sound kind of strong now, Senator. Let me answer the question. I don't know exactly what you are driving at.

Senator MUNDT. May I ask the question again? Is it your testimony under oath that under your direction the boycott activities do nothing else except utilize the printed word and the spoken word to induce people not to buy Kohler products?

Mr. RAND. Offhand, I think that that is basically our program. That is the printed word and the spoken word.

Now is there something else that you have in mind, Senator, and I would be glad to answer you?

Senator MUNDT. I would like to ask this question once again, and it seems to me this witness is simply refusing to answer.

The CHAIRMAN. That is a basic way.

Senator MUNDT. I have asked him a specific question, Is it his testimony under oath that the boycott activities under his direction do nothing else except use the printed word and the spoken word in an effort to convince people not to buy Kohler products? That is a direct question, and he should answer it "Yes" or "No," and then make his explanation. Otherwise, these hearings are going to last until all of the people of Wisconsin get so old they can't come here to testify, if we don't get any answers at all to start with.

The CHAIRMAN. The witness has answered the question basically that those were the things that they did.

Now what you should do—I will try to get this untangled—is, if there is anything else you can think of that you do other than the spoken word and the printed word, why say so.

(The witness consulted with his counsel.)

Mr. RAND. It escapes me for the moment, Mr. Chairman, and possibly there are other things, and I don't know what the Senator is driving at.

The CHAIRMAN. You don't have anything else in mind at the moment that you do?

Mr. RAND. At the moment, certainly not, and I would be more than happy, and I would like to go through the whole boycott program and tell it to the Senator exactly what we do and all phases of the program.

I think this is a fine opportunity for this committee to hear it, but it would take a great deal of time to go through it.

Senator MUNDT. It would not take very long if the chairman will insist on a "yes" or "no" answer to my question.

The CHAIRMAN. Well, the witness has said basically those are the two things. Now you cannot think of anything else at the moment that you do?

Mr. RAND. Not offhand, I can't, Senator.

The CHAIRMAN. Well, now, let us see. I think that I have 1 or 2 things in mind that you possibly do, besides that.

Senator MUNDT. I know several, and he knows of several but he is trying to dodge that he does do them.

Mr. RAND. I am trying to find out what the question means.

The CHAIRMAN. It simply means, what else do you do to try to induce people not to buy Kohler products, other than by talking to them, using verbal conversations with them, and publishing and printing material and sending it out. What else do you do?

(Witness consulted with counsel.)

The CHAIRMAN. I think that you can think of something else.

(Witness consulted with counsel.)

Mr. RAND. I have checked with the legal adviser that I have here, and we feel, of course, that generally speaking that all of the activities of the boycott fall within the scope of the items mentioned by the Senator.

Now, if he is inferring that the picketing of various establishments does not come within that category, and that is an additional one, certainly.

The CHAIRMAN. The Chair would hold that it does not come within that category. That is another activity in addition.

Mr. RAND. We are not doing that any more, and I might say that in answer to the Senator's question, I assumed that that came into the area of 1 of the 2 things, an expression of the freedom of speech.

The CHAIRMAN. Well, I think, of course, there is speech and printed matter and all of it, as you said, those are the two basic things.

Mr. RAND. I am not trying to avoid the question and I sincerely believe that that comes within the category that the Senator mentioned.

The CHAIRMAN. The Chair holds it does not, and that is an additional thing. Those two basic problems are involved, but then, in my judgment picketing would go beyond just a verbal conversation and also beyond the printed information or newscasts.

Mr. RAND. We did that at the beginning of the boycott, but to my knowledge we don't do that now.

Senator MUNDT. That is right. And we got out one of them, and let us talk about that for a while since we got it out.

That is verbally, and the printed word, and by use of picket lines. Have you ever personally either led a group of strikers in a picket line, or participated in a picket line protesting the use of Kohler products?

Mr. RAND. Protesting the use of Kohler products?

Senator MUNDT. Or advocating that they do not use them, if you don't like the word "protesting."

Mr. RAND. I don't remember any offhand, Senator.

Senator MUNDT. Have you ever been in a picket line, as a leader or a participant in which some people were carrying signs saying "Don't buy Kohler products," or something to the effect, or "Kohler products are made by scabs," or "Do not buy products made by Kohler," or anything similar to that?

Have you ever walked or appeared in a picket line of that type?

Mr. RAND. I may have, Senator, yes.

Senator MUNDT. Now you know whether you have.

Mr. RAND. I think that I have, now.

Senator MUNDT. Just try to answer the question "yes" or "no," when you know the answer.

Mr. RAND. The reason I answered that way is that that language which you use is common language in this boycott and it is quite obvious that I have been where those signs have been carried.

Senator MUNDT. And you have been in those kinds of picket lines?

Mr. RAND. I don't know whether they were picket lines as such.

Senator MUNDT. Now we are going to have to go all through this again. If you want to describe some other word for a bunch of people standing in front of a plant waving signs or walking in front of the signs, and if that isn't a picket line you will have to explain to me what it was. It looks like a picket line to me.

Do you want to use the words "line up," rather than "picketing," would that be better?

Mr. RAND. I am trying to get it. I don't know what you are referring to exactly.

Senator MUNDT. For some reason, you don't want to say "yes" or "no" to things that I know you can say "yes" or "no" to.

Mr. RAND. You see, Senator, you have the advantage of having that material before you, and if you want to talk to me about it, and show me, I will admit if it is a picket line if it is a picket line, but generally I don't know what you are talking about.

If you have a specific example of where I appeared in a picture, on a picket line, as such, I would be glad to acknowledge it. But I don't remember, Senator, whether or not a specific picture of myself at any time regardless of pictures, whether it was a picket line as such.

Senator CURTIS. Would the Senator yield very briefly?

Senator MUNDT. Very briefly.

Senator CURTIS. This morning I have been carried back to the testimony of Jimmy Hoffa, repeatedly and repeatedly.

Senator MUNDT. For some strange reason, this witness out-Jimmies Jimmy this morning. Yesterday I thought he was pretty forthright and direct, but I can't understand his attitude this morning.

Senator CURTIS. This is, "I can't remember" and indefinite quibbling about words, and I wish we could get the evidence.

Mr. RAND. Mr. Chairman—

The CHAIRMAN. Just a moment, is there any objection to the way the Chair is proceeding here? I am doing my best to be helpful.

Senator CURTIS. That was not any criticism of the Chair at all.

Senator MUNDT. I think we should get "yes" and "no" answers when "yes" and "no" answers can be made.

The CHAIRMAN. You may speak.

Mr. RAND. I resent the remarks of the Senator, because my union, the United Automobile Workers, is in a life and death struggle with Jimmy Hoffa's union. I don't think it is fair for him to mention that. I think by the very remark of the Senator that he is lending support to Hoffa's campaign.

The CHAIRMAN. I know what the Senator was referring to, and we had a great deal of problem here getting little Jimmy Hoffa to remember some things. He says this brings back memories of the time when Jimmy was on the stand and we were trying to get Jimmy to remember.

Now, then, they are asking you questions about whether you have been in a picket line, picketing on account of a boycott, the boycott of Kohler products. It seems to me that you could remember. If you have, say so, and if you haven't say you haven't.

Mr. RAND. Well, Senator—

The CHAIRMAN. Let us move along.

Mr. RAND. I have been involved in this boycott and I have put a great deal of time and effort into it and little specific incidents I frankly don't remember.

The CHAIRMAN. I am sure you can't remember every detail, but can you remember or can you not remember whether you have walked a picket line protesting the use of Kohler products. Now, that is just as simple as it can be.

Mr. RAND. I don't want to use no, because I may have, Senator. I don't remember a specific incident. I would have to think long and hard. I am not sure whether there was such an incident. I don't know.

The CHAIRMAN. Whether you walked it or not, at one time you did have such picket lines around peoples places of business; did you not? The union had them?

Mr. RAND. Oh, yes; I have already said that.

The CHAIRMAN. All right, we have that much. Proceed.

Mr. RAUH. Mr. Chairman, we filed a memorandum last night explaining this exact thing, and it referred to the consumer picketing that we had done, to our consent agreements, and I don't know what all of the shooting is about. We have filed a full memorandum explaining this whole thing.

The CHAIRMAN. The Chair has not seen the memorandum, that is the one delivered to Senator Mundt.

Mr. RAUH. Yes, and it seems to me it is all stated in there, and I can't see, this is much ado about nothing.

The CHAIRMAN. That is not proof before the committee as yet.

Senator MUNDT. It has not been accepted as sworn testimony, and I have made some examination of it, and I have a little more to do but before the end of the day I expect to read in the presence of Mr. Rauh my evaluation of the memorandum he submitted.

It certainly has no connection whatsoever with the question I am asking Mr. Rand, which is, Did you ever participate in any picket line, or any picket procedure of this type? I will say to you, sir, that I don't know anything about your fight with Mr. Hoffa, which you are talking about, or the UAW and the Teamsters, but the reason I said that you were out-Jimmying Jimmy is exactly the reason that the Chairman mentioned, and Mr. Curtis.

We had a lot of difficulty with Jimmy Hoffa after the first couple of days in his testimony, getting him to remember anything. That seems to be your difficulty this morning.

I thought yesterday you were a very forthright witness, very direct, and now I ask you a question as simple as this one, as director of the boycott procedure which you told me you were then, and you still are, whether you had ever participated in a line of people standing in front of a place urging them not to buy Kohler products, and you would like to have me believe you can't remember that. I just can't accept that.

Mr. RAND. Let me assure you that we have had a great deal more trouble with Mr. Hoffa than you may have had. For example, there are many trucks still going through the picket line, which I am sure are the responsibility of Mr. Hoffa, through the Kohler strikers picket line.

(At this point, the following members were present: Senators McClellan, Ervin, Kennedy, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. May the Chair suggest we try to keep this inquiry as to problems relating to Kohler and the UAW. I don't want to get Jimmie Hoffa back up here yet.

Mr. RAND. I would like to have him up here just to answer the question of those picket lines.

The CHAIRMAN. Let's get some answers from you about picket lines first.

Go ahead.

Senator MUNDT. I am waiting for the answer.

Mr. RAND. What is your question, Senator?

Senator MUNDT. I suggest that the reporter read any one of the 7 or 8 times that I have asked the question. An answer to any one of them would make me happy.

The CHAIRMAN. The question is, Have you walked a picket line where they were protesting the use of Kohler products?

Mr. RAND. Yes, I believe I may have.

Senator MUNDT. Why didn't you say that 30 minutes ago. You wouldn't have had Jimmie Hoffa in the act at all if you had said that.

Mr. RAND. I didn't know that you meant that. I may have. I don't know.

The CHAIRMAN. May I make this observation: If you folks would come over here and just talk and tell what you know and get it over with, I think you will make a better impression before the country. This dragging back and haggling along here and consuming a lot of time until we finally get it is not the right cooperative spirit. All I want is to get the facts. We can evaluate them afterward. When we go to evaluate them, there may be some differences of opinion around this table. But let's move. Tell what you know, and let's go.

Senator MUNDT. That is right. So far we have not moved an inch, because this particular Senator, when I ask a question have you done something, and he says "I may have," he might just as well keep on "Hoffa-izing." There is no answer.

The CHAIRMAN. Ask the question again.

Senator MUNDT. I will ask the question again: Have you ever participated in a picket line or a picketing procedure with other members of your union, carrying signs indicating that the people should not buy or use Kohler products?

Yes or no?

Mr. RAND. Senator, I believe the answer is "yes." But whether they were actually picket lines, that is where I am disturbed as to whether or not there was a picket line. I don't know.

Senator MUNDT. That is why I added the words "picketing procedure," to try to make it easier for you. I don't know what you call a picket line any more. I say "picketing procedure."

Mr. RAND. I didn't want you to infer that it was a picket line. I am not sure it was. If it was a picketing procedure, the answer is "yes."

Senator MUNDT. Very well. I will leave the words "picket line" as I have used them, with the conjunction procedure. Have you ever walked in a picket line or participated in a picketing procedure, that is both of them now, in which the people who are participating in that activity carried signs urging people not to buy Kohler products?

Mr. RAND. Yes.

Senator MUNDT. Yes?

Mr. RAND. Yes.

Senator MUNDT. Very well. Now, if we could get yes or no answers—

Mr. RAND. It is difficult, sometimes.

Senator MUNDT. If my questions are ambiguous, I suggest that you get me to make them clearer to you before you try ducking and dodging. We will not get any place if you are ducking and dodging and will not answer. Are you able to deny under oath, Mr. Rand, that strikers who have been picketing Kohler distributors and others have

ever shouted threats and directed vile language at Kohler Co. employees delivering those Kohler fixtures, or trying to deliver them?

Mr. RAND. I don't believe that I have never heard of that.

Senator MUNDT. Would you be able to deny it? Would you deny that you ever heard it?

Mr. RAND. Deny that I ever heard that people swore or used language——

Senator MUNDT. I didn't say swear. I said shouted threats and vile language.

Mr. RAND. They may have; and I may have heard about it. I don't know.

Senator MUNDT. In other words, it may have happened, but your memory is not clear on it?

Mr. RAND. No, sir.

Senator MUNDT. Very well. I think I will accept that as an answer. You have headed, I suppose, boycott representatives who have gone to plumbers' conventions and to non-UAW-CIO unions in an effort to get other unions and other groups to joint with you in this boycott program?

Mr. RAND. Yes. I don't know whether the word "headed" is proper, but I was there.

Senator MUNDT. Very well. Were you ever interviewed by a Mr. Ray Vicker, of the Wall Street Journal?

Mr. RAND. Yes; I was, Senator.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator MUNDT. In the August 9 issue, 1956, of the Wall Street Journal, you were quoted as saying, "It seems to me that it is almost sinful to have any labor dispute degenerate to the point where this one has, where we actually have to wreck the company. That is what we are doing, wrecking the company."

Is that an accurate quote?

Mr. RAND. Are you reading from the Wall Street Journal article?

Senator MUNDT. Yes; I am.

Mr. RAND. That is a quote from that article.

Senator MUNDT. That is a quote that you made in that interview.

Mr. RAND. Yes.

Senator MUNDT. In the Wall Street Journal also——

Mr. RAND. I would like to make reference to that story, if I may.

Senator MUNDT. We are going to discuss it for some little time. You have a copy and I have a copy.

Mr. RAND. I don't have that particular copy, but I do have a letter from Ray Vicker, in which reference is made to that specific remark.

Senator MUNDT. We will come to Mr. Vicker at the proper time.

Mr. RAND. May I put this in the record? I would like to have this submitted for the record.

Senator MUNDT. Is that an original copy of the letter?

Mr. RAND. No; I believe it is a photostat of the letter. I believe we have the original.

Senator MUNDT. I would rather you put the original in and keep the photostat.

Mr. RAND. We can see that you get it, but to the best of my knowledge, it is an accurate copy.

Senator ERVIN. Senator McClellan asked me to preside for a moment.

If he identifies it as a photostat, we have taken photostats in evidence, and this time I would make a ruling to the effect that he would be entitled to put it in.

Senator MUNDT. He could, if he would swear that it is an accurate copy. If he says he believes it is, that is not good enough for me.

Mr. RAND. To my knowledge, it is an accurate copy.

Senator MUNDT. Before he reads it, may I ask a question? This has nothing to do with my questioning.

I am not going to have him interrupt my interrogation.

Mr. RAND. You have not read the letter.

Senator MUNDT. I want to ask further questions.

Senator ERVIN. You want to ask further questions about the quote before he puts this in.

Senator MUNDT. Yes.

Senator ERVIN. I will rule that you have a right to do so, and before you go away from that questioning, to other things, he would have the right to put that in.

Senator MUNDT. I will quote the article of the Wall Street Journal, which you either have before you or have available to you. It says "The UAW claims to have an accurate count," and we are talking now about the boycott.

You have so much difficulty hearing my questions when you are listening, I know you can't hear them when your back is turned.

Mr. RAND. You inferred that I had a copy of the Wall Street Journal article. I don't. I would like to have somebody get me one. I have one here in the committee room.

Senator MUNDT. You have one in the room?

Mr. RAND. Yes.

Senator MUNDT. While you are waiting, go ahead and read your letter.

Mr. RAND. Thank you. This is a letter dated June 7, 1957, and it is addressed to a Mr. Leo J. Breirather, local 833 boycott coordinator, UAW, Local 833, Sheboygan, Wis. I might say, Senator, that this is in answer to a letter that was written by Mr. Breirather to Mr. Vicker, regarding that specific quote that you made reference to.

Senator MUNDT. Could we have the other gentleman's letter in, too, so we could have the full exchange of correspondence? I think it would be unfair to Mr. Vicker to read his reply without the letter.

Mr. RAND. If we have that, we will be happy to submit it. I think the letter would speak for itself.

Senator MUNDT. You surely would have it in your files if he has it in his files. Would you agree to get it and put it in the record?

Mr. RAUH. We agree to get it and put it in the record if we have it.

Mr. RAND (reading):

DEAR MR. BREIRATHER: Sorry to hear that Don Rand's quote is being misused by various folk when discussing the Kohler strike. It seems to me that there hardly could be any misunderstanding about that one unless a guy were trying to misunderstand it.

When Rand says "It seems to me that it is almost sinful to have any labor dispute," etc., it is quite obvious that he is talking about the company's sins.

We, of course, have no power over somebody trying to twist a phrase the way they want to. If that phrase is being misunderstood I'm sure it is because those using it that way purposely want to change it to mean whatever they wish. If they didn't have one phrase they would grab another.

At the moment we aren't working on any Kohler story. However, we may be sometime in the future. When that happens we will try to be as objective as possible and write the story as we see it. That's about all we can do.

You know it is interesting receiving your letter, for, after doing that boycott piece last year I received a bitter letter from Mr. Conger saying I had been unfair, misconstrued facts, etc. The implication was that we should write another piece "correcting the inference that the company was out to break the union." We haven't written the piece as suggested by the company because we figured we were objective in our original report.

I guess this shows you can't win.

Again, I'll say I'm sorry if somebody is twisting any of our earlier stories around to make erroneous statements. Unfortunately, there is an inflexibility about the printed word which can't be changed no how. Once something is printed, it is on the record. No amount of latter stories can change the fact that anybody who wants to do so can go back to the original story, take out any phrase he wants, and use it.

Knowing the way some of your antagonists work I know about what they would say were Mr. Rand to be quoted: "We are not out to wreck the company."

In that event, you can be sure that some people would be saying: "The UAW is admitting they're licked. They're backing down."

When we originally reported Mr. Rand's statement, we were merely trying to be factual and we did report it as he said it. It wasn't intended as any ammunition for anybody who wanted to make hay against you fellows. That statement doesn't read so bad when in its original context where it belongs, in a story of how you were driven to launch the boycott.

When taken out and twisted by whatever copy a fellow wants to put above or below it, I can see how your opponents might make the phrase look very damaging to you. In a way this is just like planting photographers around the plant and having them wait until a guy has a scowl on his face before snapping a picture. They can make an ordinary Joe look like a Capone gangster.

The heluv-it is there is no legal way I know of to stop anybody from doing that type of misquoting.

Sincerely,

RAY VICKER.

That is the man, incidentally, who wrote the original article, Senator.

Senator MUNDT. Very good. You have your letter in, and you will have the copy of the letter that was written to him in, and I think that neither him nor you question the validity of the report. He points out that anybody can twist the part of a statement, which is obviously true, and you can twist the part of a letter. We have it in evidence. You made the statement, and that is all we are trying to do with that particular phrase. Now we come to another part. Did you get your photostatic copy?

I can't wait any longer for you to find your copy. If you have any doubt about any of this, your attorney can come and look over my shoulder and see that I am quoting it correctly. I have the article here.

Mr. RAND. That will not be necessary.

Senator MUNDT. This is a more significant portion of it, in my opinion.

The UAW claims to have an accurate count—
talking about the boycott.

It also claims to have many spies in the plant.

Were you in the committee room when we were discussing this with Mr. Mazey or not?

Mr. RAND. Yes. I have been here every day.

Senator MUNDT. You remember our colloquy with Mr. Mazey and the strike bulletins and what they said about spies?

Mr. RAND. The U-2's and B-2's.

Senator MUNDT. That is right. Now they are quoting Mr. Rand in the Wall Street Journal, in an article which everybody seems to admit was a faithful reproduction of what you said.

It says:

The UAW claims to have many spies in the plant, fellows that are playing both sides of the fence. They are working buy playing ball with the union to be on the safe side if the union should ever win its way back into the plant.

So it is a fact, is is not, then, that the union does have spies in the Kohler plant?

(The witness conferred with his counsel.)

Mr. RAND. Isn't that the opinion of Ray Vickers? He is not quoting me, is he?

I can't find the specific paragraph. Can you tell me where it is?

Senator MUNDT. Yes. I am quoting—practically the whole article is the opinion of Mr. Vickers, the reporter, based on his interview with you. Do you have the photostat?

Mr. RAND. Yes.

Senator MUNDT. By the way, if you have any doubt about the article being good, the Kohlerian which you published thought enough of it to reprint the whole article in its issue of Friday, November 24, 1956. So it was in your own paper, printed, and proudly presented to the members of the union under—

I will correct the record, Mr. Chairman. It is in the issue of Friday, August 17.

Out goes scab work—

and here are some of the strikes we are talking about.

Scabs make Kohler wares to be used here.

And they are hauling out some Kohler products from a place in the St. Marguerite School building in Kenosha, Wis., at the direction of your boycott activities.

On page 3 of the Kohlerian, Friday, August 17, 1956, you boys in the union thought enough of Mr. Vicker's article then to reproduce it in full, and I believe you reproduced it accurately.

It says:

The boycott becomes a great big business.

The Wall Street Journal report on the legal primary boycott of the Kohler strike?

Down near the end of that article, at this particular point,

The UAW claims to have an accurate account of rail boxcars and trucks which have left the plant since the strike started. It also claims to have many spies in the plant, fellows who are playing both sides of the fence. They are working, but playing ball with the union to be on the safe side if the union should ever win its way back into the plant.

So my question to you is, as it was to Mr. Mazey, since the strike bulletins had over and over again made the claim that they had spies in the plant, and now, you in your interview with Mr. Vicker, create the same impression to him so he inserts it in his article, you think enough of the article to reproduce it in the Kohlerian, so once again it goes to your people, then it must be a fact, then, that the UAW did have spies in the Kohler plant.

Is that correct?

Mr. RAUH. May we know what part of the article you are reading from? Two of us have been unable to find the particular sentence.

Senator MUNDT. I will give it to you from your own bible. There it is, in your own periodical, in your own book.

Mr. RAUH. Thank you very much.

Senator MUNDT. I have the original copy here, if you would like to see that. As far as I can see, the union reprinted the article very faithfully and didn't change anything.

(The document was handed to the witness.)

Senator MUNDT. Do you find it, Mr. Rauh, and do you find it, Mr. Rand?

Mr. RAUH. Yes. We have it.

Senator MUNDT. Now will you answer my question, Mr. Rand?

Mr. RAND. I don't think the article quotes anybody. It seems to be an opinion of a reporter at that stage. He does quote me in the other article in which I was discussing the signs of the Kohler Co.

Senator MUNDT. Let me ask you first: Did I read the statement from the paper correctly?

Mr. RAND. I believe you did, Senator, yes.

Senator MUNDT. All right. Since this is a report on an interview with you, an important enough one so that you exchanged correspondence with Mr. Vicker about it, you have introduced Mr. Vicker's letter into the record, and he doesn't disavow, and apparently you do not disavow, the accuracy of the article, and this is an article which you think is correct and honest enough so you put it as a full page ad in your own newspaper, proudly proclaiming your strike in the Wall Street Journal, is it a fact that you have strikes as reported by the Wall Street Journal?

Mr. RAND. Is it a fact what?

Senator MUNDT. Spies in the Kohler plant as reported in the Wall Street Journal?

Mr. RAND. Not to my knowledge, no.

Senator MUNDT. Now let's get an answer to that.

Mr. RAND. No; is that what you want?

Senator MUNDT. We want "yes" or "no." I am not trying to put words in your mouth. But I am trying to find out.

You created the impression in Mr. Vicker's mind. You certainly tried to create the impression in the minds of everyone who reads the Kohlerian, because you reprinted it there, and it seems to me that you tried to create the impression to everyone who read the strike bulletin.

Now we come right back to where we were with Mr. Mazey, which is as clear as it possibly could be to anybody, that either you were trying to deceive the strikers into developing a false hope for victory on the basis that you had spies in the plant, or else you are now trying to deceive this committee and the public by saying that you didn't have them, all you did was talk about having them.

Which was it? Who were you trying to kid?

Mr. RAND. Is that a question?

Senator MUNDT. That is a question.

Mr. RAND. I thought it was a speech, Senator.

Senator MUNDT. What was that?

Mr. RAND. It sounds like a speech.

Senator MUNDT. It is a question. Who are you trying to fool?

Mr. RAND. Mr. Conger is also quoted in the Wall Street article.

Senator MUNDT. What has that to do with it?

Mr. RAND. I thought you were trying to imply that he just interviewed myself, as an individual. He talked to a number of people. The article starts off by talking to an individual striker.

Senator MUNDT. Are we going to have a speech, Mr. Chairman, or are we going to get answers, sometimes, to questions. The question is pretty clear. Who is he trying to fool?

Mr. RAND. Nobody, Senator, nobody at all.

Senator MUNDT. All right. Now we are getting along. Then were you misrepresenting the facts to the strikers when you put in your own paper the article from the Wall Street Journal saying that there were spies in the plant, or why did you put it in? Why didn't you disavow it? Why didn't you have something at the bottom saying "Look, fellows, we don't have spies. This part of the article is wrong."

Why do you wait until 3 or 4 years later and then try to come before the committee and say, "Mr. Vicker wrote the article wrong"?

Why didn't you do it at the time?

(The witness conferred with his counsel.)

The CHAIRMAN. Why didn't you do it at the time, disavow it?

Mr. RAND. Disavow the whole article?

The CHAIRMAN. Yes.

Mr. RAND. Well, there are many good things in it and it is not too often that we get good articles in newspapers. I suppose the people who were responsible for the publication of our newspaper felt that it did have some value and they printed it accordingly.

Senator MUNDT. Why didn't you disavow the portion that you thought was wrong? Why did you try to mislead the people on the strike line? Why didn't you disavow the part that was wrong, if something was wrong?

(The witness conferred with his counsel.)

Mr. RAND. The article contains a number of paragraphs which we feel are advantageous to the union. For example, the UAW has offered to arbitrate the dispute but the company——

Senator MUNDT. Just a minute. Did you feel it was advantageous to the union to lead the people that were on strike to believe that you had spies in the plant and consequently victory was in grasp of the strikers if they would hang on for a few more months? Did you think it was advantageous to the union to create what you now tell us was an entirely false impression, and that you didn't have any information, that all of these strike bulletins, all of this repetition, the article in the Wall Street Journal, the reprint in the Kohlarian, all of this was based on just a completely false situation, but you thought you would pass the information out to the strikers anyhow?

Why did you do that?

Mr. RAUHL. Mr. Chairman?

Senator MUNDT. Why didn't you disavow at the time?

Mr. RAUHL. Mr. Chairman, the witness was being asked a question. He was reading an answer. He was reading from the answer. Senator Mundt interrupted. We appeal to the Chair to let the witness answer the last question, which was based on the advantageous parts of this document. We appeal that he be allowed to give his answer to the previous question before an interruption which was made to

prevent him from reading some things in here that show why we reprinted it. May he answer the previous question?

The CHAIRMAN. What is the previous question? Why did you print the article? Why didn't you take out and disavow that part that was not true?

Mr. RAUH. That is correct. He wanted to read the good parts of the article to show why it was reprinted.

Senator MUNDT. Any time we can get the answers from the witnesses, I am for that.

(At this point, Senator Ervin withdrew from the hearing room.)

The CHAIRMAN. Has the article been made a part of the record?

Senator MUNDT. I am not sure. Let's make it a part right now. Let's put it in as part of the printed record.

The CHAIRMAN. Let the article at issue here be made exhibit No. 63.

(The document referred to was marked "Exhibit No. 63" for reference and is as follows:)

(Article from the Wall Street Journal, August 9, 1956, follows:)

[The Kohlerian, the Wall Street Journal, Chicago, Thursday, August 9, 1956]

KOHLER BOYCOTT; UAW LINES UP UNIONS, CITIES IN DRIVE TO CUT SALES OF STEUCK FIRMS: UNION OFFERS ANTICOMPANY TIES, T-SHIRTS; BOYCOTT "SALESMEN" TOUR THE U. S.: PREVIEW OF A POTENT WEAPON

(By Ray Vicker)

SHEYBOYGAN, WIS. On a bulletin board in the United Automobile Workers Union Local 833 headquarters here, a pin-studded map of the United States is divided into 15 territories.

At first glance it might be mistaken for a business sales map. Actually, it is a battle map tracing a UAW boycott offensive aimed at throttling Kohler Co.—the UAW's adversary in one of the bitterest and the longest labor disputes of the postwar period.

Kohler, which makes plumbing ware, has replaced strikers with nonunion workers and continues to operate, so after 28 months the UAW has now shifted from production-halting efforts to a sale-stopping campaign.

Each pin on the map represents "the enemy," a Kohler sales outlet. Tiny flags show the location of UAW agents who are "on the road." The 15 territories represent zones covered by these special representatives in drumming up support for the boycott.

BUSINESSLIKE BOYCOTT

"This is the most comprehensive boycott ever organized by labor because we now have the full weight of the combined AFL-CIO with us," says Don Rand, husky 37-year-old UAW international representative who heads the boycott. "We've put this program on a highly organized, businesslike basis with this as a central office."

UAW's boycott has implications which go far beyond this tree-studded city of bratwurst, bock beer, and sauerkraut. Since it is a boycott which could only be effectively waged through a combination of the AFL-CIO, it provides business with a preview of a powerful, souped-up weapon which has been placed in labor's hands by that merger.

Mr. Rand shakes his head as he leans against a huge "Don't Buy Kohler!" placard in the UAW office and says: "It seems to me that it is almost sinful to have any labor dispute degenerate to the point where this one has—where we actually have to wreck the company. That's what we're doing, wrecking the company."

UAW hasn't yet succeeded in its goal, though. "We have not been able to see that the boycott has had any appreciable effect on our sales or is anything else than somewhat of an annoyance," contends L. C. Conger, chairman of Kohler Co.'s management committee.

But UAW leaders insist that their boycott already is hurting the company. Moreover, they emphasize that it is just gathering strength, thanks to closer working relations being developed at the local level as effects of the AFL-CIO merger seep down to the grassroots.

AN OLD WEAPON

The boycott weapon is old hat on the labor scene, of course. But union leaders here say there never has been a boycott which compares in scope with this one. The merged AFL-CIO now has some 77,000 locals and more than 18 million members.

A boycott organization has been established here in Sheboygan to bring the full force of those 77,000 locals against Kohler Co. If this boycott can succeed in this case, then it probably can do so again in the future against any other company which might resist all demands of a union.

Striding to a file, Mr. Rand opens drawers and thumbs through cards of thousands of labor, educational, religious, governmental, and building contracting contacts developed to further the boycott. He lifts a weighty black-bound tome which looks like a sales manual and explains the detailed plan which has been put in printed form. Such books are given to union representatives as a guide on their "sales beats" around the country.

Each representative is making the rounds in his territory much like a traveling salesman with a suitcase full of samples. He appears before local union groups seeking cooperation in the boycott of Kohler products. He appears before city and State groups urging that purchasing departments shun strikebound articles, with emphasis on the Kohler line. He suggests to area plumbers and contractors that they steer clear of the Kohler label.

On a desk is a stack of letters from locals in almost every branch of the AFL-CIO promising support. Already a half dozen resolutions of support have been passed by city and State bodies—in Waterbury, Conn., Boston, and elsewhere—with dozens of such proposals due to be presented by union sympathizers in other cities around the country.

THE PLUMBERS MEET

When the plumbers union holds its annual convention in Kansas City next week, UAW's boycott specialists will be on hand. The plumbers union already has indicated sympathy toward the UAW cause. If bonds are lightened between the two unions, boycott leaders predict their hand will be strengthened considerably since plumbers are the workers who install the bathtubs, washbowls, and other plumbing ware which Kohler makes.

Few labor disputes have been more bitter than the Kohler-UAW fracas. The dispute started April 5, 1954, when 2,600 members of local 833 struck the landscaped, lawn-encircled plant in nearby Kohler, Wis., a company-town suburb of Sheboygan. Kohler Co. recalled or hired nonunion workers and resumed production despite a wave of strike violence.

Bushy-browed, blunt-jawed Herbert V. Kohler, company president, says: "There have been more than 800 incidents of violence and vandalism away from the picket lines. These included gunshot blasts into homes, dynamiting of automobiles and buildings, paint bombings, window smashing, tire slashing and the throwing of acid into automobiles and inside houses."

Original strike issues have long since lost their importance. As the union saw its picketing failing it moderated demands to such an extent that they bear little relationship now to original proposals. Basically, the issue now is whether or not the company should have an outside union in its plant.

PICKET LINE DEFEAT

This spring, after pouring \$10 million into strike benefits, the UAW finally admitted defeat on the picket line. It announced reductions in benefits and urged strikers to get jobs elsewhere.

But the UAW wasn't tossing in the sponge. It then focused attention on two fronts: Fighting the company before the National Labor Relations Board for alleged unfair labor practices, and the boycott.

"Since April, we estimate that over 1,200 of our members have gotten jobs elsewhere," says Mr. Rand.

One union member looking for a new job is Allen J. Graskamp, president of the local. He is running this fall for the Wisconsin Assembly on the Democratic ticket.

Nobody knows how many of the original 2,600 strikers would go back even if the dispute ever were settled in the union's favor.

"I guess the better the settlement the more people there will be coming back," says muscular, light-haired John Konec, a 41-year-old brass-molder striker who

this week took a job as a welder with Anderson Tank & Manufacturing Co., Milwaukee. He drives the 110-mile round-trip daily "because I'm not going to let Kohler chase me out of Sheboygan," says he.

Not all workers have been so lucky.

"Jobs are scarce in this town," says slim, friendly Bob Bernico, a striking pottery inspector. He is still supporting a family of 8 with union subsistence food, rent, and utilities vouchers after 28 months on the picket line.

Kohler Co. is the principal industry in the Sheboygan area. Several furniture and a few metalworking concerns also provide employment. But with so many strikers looking for work, many a striker has had to move elsewhere to get a job.

At the boycott headquarters here 65 strikers are working 7 days a week preparing posters, answering letters, mimeographing literature, stuffing envelopes, and helping with the boycott in various ways. They're donating time and drawing only subsistence allowances from the union.

Big, slow-moving Art Fox, 50-year-old enameler, heads local 833's 280-man picket team. A dozen pickets still patrol various gates of the struck plant in desultory fashion. However, one of their principal tasks now is counting plant-workers, outgoing freight cars, and trucks to keep tab on plant operations.

When destinations of shipments can be ascertained, that information is immediately relayed to boycott representatives. Calls then are made on local contractors who may be getting shipments. The idea is to persuade them to steer clear of Kohler products.

"We now have a list of every Kohler distributor in the country," says Mr. Rand.

He adds: "We've found that Richmond, Va., New York, and Chicago are Kohler's three top-sales areas. So naturally we are concentrating our boycott harder in those areas."

Another volume keeps tab on calls made by boycott representatives. This avoids duplications and indicates where new calls should be made.

A locker in the headquarters contains several neckties. When hanging vertically, the ties look like ordinary neckpieces with a scroll decoration. Turned sideways the scroll reads: "Support Kohler Boycott." Ties are being peddled for \$1.50 to union locals from Maine to California.

Chubby Leo Breirather, boycott coordinator, holds up a nylon T-shirt. Embazoned across the front is the plea: "Boycott Kohler. Win the Strike." A design on the back says: "Don't Buy Kohler."

Says Mr. Breirather: "We're going to flood the country with these." They will be sold for \$1 apiece.

A work cap, selling for 25 cents, also carries boycott slogans. Proceeds from sales of the clothing items will go to further the union's fight.

Lists of leaders: To reach sympathizers, the UAW has obtained lists of every AFL-CIO union business agent, local president, secretary, and other officials in the country.

Says Mr. Rand: "Before the merger such lists were carefully guarded and it would have been impossible to get them."

With the lists, the UAW has been successful in stirring up support from hundreds of locals. In addition, the auto union also has obtained information about union meetings and conventions scheduled through the next year. At such meetings, a boycott representative appears to tell his story.

Each such appearance usually results in a resolution being passed by the meeting offering assistance. In many cases, the hat is passed and funds go along with the resolution.

Next month a series of spot UAW boycott pleas are scheduled to be carried over a Milwaukee radio station. They'll be financed by contribution from various AFL-CIO locals.

UAW leaders are counting on fellow unionists to follow up their resolutions by refusing to handle Kohler products on construction jobs, or by handling them in the slowdown fashion which may persuade contractors to use other products.

Often after a local's support is won, the local launches a move to bar nonunion goods from city purchasing lists.

WATERBURY'S RESOLUTION

A resolution passed in June by the city of Waterbury, Conn., reads: "Whereas the Kohler Co., of Sheboygan, Wis., has refused all efforts to mediate or arbitrate the 2-year-old strike it is involved in * * * be it resolved that the

Board of Aldermen of the City of Waterbury recommend that contractors retained by the city in any construction projects be requested and urged to refrain from purchasing any Kohler fabricated products."

The Massachusetts General Assembly passed a resolution urging all purchasing officers and departments of the State be instructed that "it is highly improper and undesirable to purchase any goods or services from strikebound firms, or firms convicted of unfair labor practices who continue noncompliance with Federal labor laws and court orders; such as Kohler Co. * * * until such time as the strike in question is settled."

Last month the city of Boston adopted a similar resolution.

The city of Ansonia, in Connecticut, is more blunt in a resolution adopted by its council. It orders the board of aldermen to "give notice to all contractors doing business with the city that they cannot use Kohler products on any job contracted for by said city."

In Milwaukee, the Milwaukee County Board defeated a Kohler boycott resolution, 12 to 9. But the proposal is likely to come up again in September, with union leaders expected to put heavy pressure on board members for voting labor's way.

Mr. Conger, of Kohler Co., questions the legality of such resolutions, since in most cases public works must be let to the lowest bidder according to State laws. Moreover, Kohler Co. has not yet been convicted of unfair labor practices, he points out.

He adds: "There is no question but that the UAW will do everything possible to promote such resolutions * * * wherever they believe that they can find politicians supine enough to bow to their dictates and to forget their duty to the public."

As for results of the boycott, you get widely differing stories from the union and from the company.

Says Mr. Conger: "Production and employment are not yet quite on the pre-strike basis, but we are operating satisfactorily and on a profitable basis."

The UAW claims to have an accurate count of railroad boxcars and trucks which have left the plant since the strike started. It also claims to have many spies in the plant, fellows who are playing both sides of the fence. They're working, but playing ball with the union to be on the safe side if the union should ever win its way back into the plant.

With information collected, union officials have drawn a graph which they claim portrays company shipments. The graph shows a steadily descending line from the spring of 1954, when the strike started.

"Railroad shipments now are 63 percent of the 1954 prestrike level while truck shipments are 25 percent of that level," claims Mr. Rand.

One factor which clouds boycott results is the downturn in housing construction which set in this year. This could have resulted in loss of some company business anyway, it is admitted, though Kohler, a privately owned, closely held firm, gives no concrete sales data.

The CHAIRMAN. The witness may refer to any part of the article to refresh his memory or to assist him in his answers.

Mr. RAND. The paragraph—

The CHAIRMAN. Do you want to point out what you regarded as the good part?

Mr. RAND. Yes.

The CHAIRMAN. And you are reading from the publication.

Mr. RAND. I will just refer to one. I think there is more than one. (At this point, Senator Curtis withdrew from the hearing room.)

Mr. RAND. I have located the paragraph.

The CHAIRMAN. Refer to it quickly.

Mr. RAND (reading):

The UAW has offered to arbitrate the dispute, but the company rejects such overtures, contending arbitration represents a surrender of company prerogatives. One arbitration overture was made by another Kohler, Governor Kohler, of Wisconsin, who is a nephew of the firm's president.

We felt there was some value in that particular portion.

The CHAIRMAN. Now, can you tell us right quickly why you didn't take out that part that was deceptive, if it was deceptive, with respect to the spies?

Mr. RAND. I don't know why they didn't take it out. They could have printed a portion of it. The whole article was printed. I haven't got the answer as to why the whole article was printed.

The CHAIRMAN. Did you order it printed?

Mr. RAND. No, sir; I did not.

The CHAIRMAN. Did you have anything to do with the printing of it?

Mr. RAND. No, sir; I didn't.

The CHAIRMAN. Who did?

Mr. RAND. Whoever was in charge of the publicity program of the local union.

The CHAIRMAN. You were not in charge of that?

Mr. RAND. No, sir; I was not.

The CHAIRMAN. You don't know anything about it, then, as to why they published it or didn't?

Mr. RAND. No, sir.

The CHAIRMAN. All right. Period.

Senator MUNDT. Mr. Rand, you have had this article in your hands recently, from the Kohlerian; correct?

Mr. RAND. That one? Yes, sir.

Senator MUNDT. Do you see anything there; do you want to reexamine it, or take another look at it, anything that disavows in any way, shape or form the statement about which you wrote the letter to Mr. Vickers? I don't think you wrote the letter, but it was the letter written to Mr. Vickers. In that you point out that it seems to be a sin to try to wreck a company, but that is "what we are trying to do, to wreck the company." Do you see a disavowal of that in the article?

Mr. RAND. Senator, the letter wasn't written to Mr. Vickers as a result of that article. It was written as a result of some propaganda by the Kohler Co. and the people who uphold their point of view. It was being misused. It was being taken out of the context of the entire article. We couldn't quarrel with Mr. Vickers in a sense, because when I spoke to him at that time, I was discussing with him the sins of the Kohler Co., and I wasn't referring to anything else.

Senator MUNDT. I suggest that the reporter read the question, so that the chairman can determine whether that is an answer.

The CHAIRMAN. Read the question.

(As requested, the reporter read the pending question.)

The CHAIRMAN. Do you see any disavowal of that statement that it is a sin to wreck the company?

Mr. RAND. No.

The CHAIRMAN. In the article, you do not?

Mr. RAND. No.

The CHAIRMAN. All right.

Senator MUNDT. Now, do you see any disavowal any place in the article or in the issue of the Kohlerian published as a full page exhibit on August 17, 1956, over the bannerhead "The Boycott Becomes a Great Big Business, the Wall Street Journal Report on the Legal Primary Boycott of the Kohler Strike?" Do you see anything here disavowing from the standpoint of your readers so that your readers

and fellow strikers can get the facts? Do you see anything disavowing this statement:

The UAW claims to have an accurate count of railroad boxcars and trucks which have left the plant since the strike started. It also claims to have many spies in the plant, fellows who are playing both sides of the fence, working but playing ball with the union to be on the safe side if the union should ever win its way back into the plant.

Do you see any disavowal of that?

MR. RAND. No.

Senator MUNDT. So that either you, not Mr. Rand but the UAW, the family of people who are putting out this Kohlarian, the strike bulletin, the International Reps, of whom you were one, Mr. Mazey, the group in charge, either you were misrepresenting to the strikers the situation in the Kohler plant, having them move ahead on the false assumption and in the false hope that the spies in the plant were going to help them win the strike, or else this was an entire misrepresentation; is that correct?

(The witness conferred with his counsel.)

Senator MUNDT. Either you have the spies or you were misrepresenting the picture to the workers.

MR. RAND. We didn't have any spies.

Senator MUNDT. All right. So it must follow you were misrepresenting it by publishing this to the workers?

(The witness conferred with his counsel.)

Senator MUNDT. You don't disavow; you don't change it. You don't modify it. You wait until you come before this committee and disavow it under oath. I am not quarrelling with what you tell me. But I am tracing the facts that follow from that kind of utilization of information.

MR. RAND. That is an article that appeared in the Wall Street Journal, Senator.

Senator MUNDT. That is right. And reprinted in the Kohlarian.

MR. RAND. That is right.

Senator MUNDT. And the Kohlarian is read by the people on strike, and maybe the people not on strike, by the employees of Kohler.

MR. RAND. I don't necessarily agree with the entire article.

Senator MUNDT. There is nothing here that you disavow, any portion of it?

MR. RAND. Did you ask a question?

Senator MUNDT. I said there is nothing that you disavow, any portion of it?

MR. RAND. No. We left Mr. Conger's remarks in there, too.

Senator MUNDT. That is right. And reprinted with union money, the union paid for this?

MR. RAND. Yes; the union pays for the publication of the local union reporter.

Senator MUNDT. Do you feel that the strikers, the union members, normally have a right to rely on the accuracy of what they read in their union paper?

MR. RAND. Yes. And I—yes.

Senator MUNDT. This is what they read. It seems to me inevitably you must arrive at the conclusion that the strikers are being misled if, in fact—if, in fact—you did not have spies in the plant. You have

said to the best of your knowledge there were no spies in the plant. You are not able to say, I take it, categorically, that there were no spies in the plant? Or are you?

Mr. RAND. That is an accurate reproduction of an article that appeared in the Wall Street Journal, Senator.

Senator MUNDT. Are you able to say categorically there were no spies in the plant?

Mr. RAND. I don't believe there were, not spies as such; no.

Senator MUNDT. Well, now, we are not going to quarrel about the word "spies." You used the word "spies," Kohler used the word "spies," I call them spies, anybody on the other side sneaking out information, bringing out facts. This isn't a war. Let's say informants. "Spies" was a word that Mr. Vicer picked up out of the interview with you. Whether you mentioned spies to him or whether he mentioned it to you, whether that is his coinage, I don't know. "Spies" was the word that was used in the striker's bulletin that you people put out.

If you don't like the word "spies," I will take the word "informants." Are you able, from your personal knowledge, categorically to deny the union had people, the strikers had people, working inside the plant, bringing information out to them, what I would call spies and what you would call informants? Would you deny that?

Mr. RAND. Yes; I deny that, sir.

Senator MUNDT. On the basis of your information?

Mr. RAND. Yes, sir.

Senator MUNDT. So that it stands, then, without dispute that this was a misrepresentation of fact, as far as your readers were concerned, the word "spies"?

Mr. RAND. That is your conclusion, Senator.

Senator MUNDT. Nobody can arrive at any other conclusion. You tell them you have them, and now you tell us you didn't have them. If that isn't misrepresentation, you and I use a different kind of dictionary.

Mr. RAUH. Mr. Chairman, I appeal to the Chair that this is unfair. That document was not ours. It was the Wall Street Journal. We didn't edit out the word "spies," nor did we edit out Mr. Conger's testimony, statements in here. We are not in the position of editing articles. When we reprint one, we reprint the whole thing. To suggest that because we reprinted an article in the Wall Street Journal, that we have done any ratification of anything, I don't see. I protest this line of questioning.

The CHAIRMAN. Let the Chair make this observation. The point is you reprinted an article, period, as it appeared, and reprinted it in full.

Mr. RAUH. Yes, sir.

The CHAIRMAN. The Senator is drawing a conclusion from it because there was an erroneous statement in that article, that it was republished for the purpose of deception. He can draw any conclusion he likes. You have taken the position that if you are going to republish the article, it had some good in it, but republish it in full exactly as it appeared in another publication. That is all there is there to it. Let's move.

Senator MUNDT. I draw my conclusion not only on the basis of this isolated incident, but a whole series of strike bulletins, a whole series of information already in the record.

I readily concur that any one time a mistake can be made. But this is a pattern, apparently premeditated, a premeditated pattern, a very precise pattern, a pattern which perpetuates itself for a long period of time.

I simply point out that it is a bit unfair to the strikers to tell them one thing and then tell the committee something else. It certainly is deceitful to make the strikers believe, as they had a right to believe, that their cause was going to be successful, in part because they had been able to penetrate the opposition camp, and were getting out information, when the sworn testimony is they didn't have any such situation prevailing at all.

That is all, Mr. Chairman.

(At this point, Senator Kennedy withdrew from the hearing room. Senators Curtis and Ervin entered the hearing room.)

The CHAIRMAN. Are there any other questions?

Senator Goldwater.

Senator GOLDWATER. Mr. Rand, how long have you been administrative assistant to Mr. Mazey?

Mr. RAND. I believe, Senator, since sometime in October of 1956.

Senator GOLDWATER. Did you testify earlier that the Kohler strike is an unusual strike, an unusual strike pattern for the UAW?

Mr. RAND. An unusual pattern?

Senator GOLDWATER. Yes. Is the Kohler strike an unusual type of strike for the UAW to engage in?

Mr. RAND. I may have testified to that. Whether I used the exact terminology that you are using—it is unusual in the sense that it is a 4-year strike and that we have the boycott program. At least, it is unusual to me.

Senator GOLDWATER. Is the fact that violence occurred an unusual pattern in a UAW strike?

Mr. RAND. To my knowledge, yes.

Senator GOLDWATER. You have been a member of this union how long?

Mr. RAND. Since 1947.

Senator GOLDWATER. And how many strikes have you engaged in?

Mr. RAND. This is the only strike that I have engaged in.

Senator GOLDWATER. The only strike that you, yourself, have engaged in?

Mr. RAND. Yes.

Senator GOLDWATER. But as an international representative, and now as the administrative assistant to the second in command of the UAW, you know something about the strike of the UAW, don't you?

Mr. RAND. About the strike?

Senator GOLDWATER. About the striking. How strikes are conducted?

Mr. RAND. Yes; through our office, our office is directly involved in the community service facilities of the international union, and we do handle the problems of assistance for strikers.

Senator GOLDWATER. Will you tell me whether violence in a UAW strike is an unusual thing?

Mr. RAND. Is violence an unusual thing in UAW strikes? To my knowledge, yes, sir.

Senator GOLDWATER. Tell me "yes" or "no." You are a member of this union. You are one of the top men in this union.

Mr. RAND. I don't believe so, sir.

Senator GOLDWATER. Well, an administrative assistant to the second in command is pretty high. Is violence a pattern in UAW striking?

Mr. RAND. No, Senator.

Senator GOLDWATER. You say categorically no?

Mr. RAND. Yes, sir.

Senator GOLDWATER. You have been wanting to read things this morning, let me read a few things.

This is from the New York Times, September 21, 1951, dateline Los Angeles:

Strike mob beats 10. A mob at the block-long Meier & Welsh engine rebuilding plant in nearby Vernon beat up 10 men, upset 5 automobiles, and damaged 11 others today.

I will skip a paragraph.

The United Auto Workers-CIO struck the plant last July.

The CHAIRMAN. May I ask the witness if he has any knowledge of that?

Mr. RAND. No, I haven't.

The CHAIRMAN. You have no knowledge of it?

Mr. RAND. None whatsoever. I hadn't even known the strike had taken place.

Senator GOLDWATER. This is the Free Press of September 16, 1952.

Mr. RAUH. Mr. Chairman, on the basis of your previous ruling that articles unsworn were not to be introduced, it seems to me that the fair way to do this, sir, would be to ask if he knew of a certain strike, and, if he did not, then not to "produce this."

The CHAIRMAN. The Chair has held that you may read an article and ask the witness if he knows anything about what it states. The article itself is not proof. It is only material for questioning purposes, unless it is sworn to and put into the record.

Senator GOLDWATER. Let me read from the Free Press of September 16, 1952.

Union sued in strike violence. Contempt action against local 157, UAW-CIO, was begun in circuit court Monday as an aftermath to several acts of violence apparently connected with the union organizing campaign. This was the Peerless Production Co.

That was 1952. Do you know anything about it?

Mr. RAND. No, I don't, Senator.

Senator GOLDWATER. From the Detroit Times of June 25, 1955:

Picket hurt at Willow Run plant. Windows in two cars were broken and a picket was injured today in a series of incidents outside the struck General Motors Willow Run transmission plant.

Do you know anything about that?

Mr. RAND. No, sir. Was that the picket who was hurt, Senator?

Senator GOLDWATER. Yes. Do you remember the Square D strike?

Mr. RAND. Yes, I know of it.

Senator GOLDWATER. Let me read from the Detroit News of September 22, 1954. "Two Picket Chiefs Seized in Rioting." That is the headline. "Cars jammed, rerouted" and so forth.

As unprecedented violence and disorder flared today in the 100-day old Square D strike, police cracked down by arresting 2 of the chief picket leaders.

Seized were Paul Silver and Ernest Mazey, officials of the UAW-CIO locals not involved in the strike.

Mr. RAND. That wasn't a UAW plant, was it, Senator?

Senator GOLDWATER. 1954.

Mr. RAND. Yes. It wasn't a UAW plant. It is now.

Senator GOLDWATER. I think at the time it was being struck by the electrical workers and you fellows went up to help them.

Mr. RAND. The UE.

The CHAIRMAN. Let the Chair make this observation again so there will be no misunderstanding about his ruling. If you were trying this man, the witness, for an offense, the procedure the Chair is permitting here would be improper. This is an investigating committee, however, to try to get information for legislative purposes. For that reason I am departing to that extent from the firm rules of evidence in order to get the information the committee may be able to get that might serve its purpose.

Senator GOLDWATER. Mr. Chairman, so that the record might be clear, and so that the Chair might know what I am attempting to do, I have said before, and I am saying again, and I will say it in the future, violence in striking, when the UAW is striking, is not unusual. It is the rule rather than the exception. I am trying to prove it because the witness, who is a high official of the union, evidently has been so cloistered that he hasn't heard of these acts of violence that have been performed.

The CHAIRMAN. The Chair has held it is quite proper in this proceeding for you to read the article and ask the witness if he knows anything about it.

Senator GOLDWATER. You said you knew something about that strike, I believe, Mr. Rand. Mr. Vinson and Mr. Gunaca both testified that they participated in this strike. What were they doing up there as UAW members when it was an electrical union that was striking the plant?

Mr. RAND. I don't know, Senator.

Senator GOLDWATER. Let me read you from the Detroit News of September 9, 1954: "UAW Locals Aid Strike. Massed Pickets Defy Court Ban."

We not only find a pattern of violence, but we find a pattern of defiance of the law. You defied the order at Kohler and you defied the order here.

Let me read just a few sentences.

Hundreds of hooting and jeering pickets poured into the streets surrounding the Square D Co. plant today threatening a showdown with police and ignoring a circuit court order against mass picketing at the gates.

There is another headline on this same issue.

UAW Pickets Join the Square D Strikers.

Let me read a little more from this article. It is quite interesting.

The more than 700 pickets defied the mass picketing ban at the main gate, 6060 Rivard, at Piquette, as well as other entrances, but they did not block them completely. For the first time, strikers were supported today by UAW-CIO locals, including members of the big Ford and Dodge locals. Other UAW locals represented at the throng in the plant were Detroit Steel Workers Products, Local 351, Budd Local, Plymouth, Hudson, DeSoto, Chevrolet, and Chevrolet Forge.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, and Goldwater.)

There is a subheadline, Local 600 Contingent:

Also there was Carroll Stillott, president of the big Ford Local 600, UAW-CIO, at the Ford Motor Co.'s Rouge plant, who arrived with 50 or more men.

These are quotes:

"We'll get more help if we need it," Stillout said.

Mr. RAND. Is that in reference to the UE?

Senator GOLDWATER. To the Square D.

Mr. RAND. We were able to take over that from the Communist-dominated UE.

Senator GOLDWATER. I understand that you did take it over.

Both he and Quinn immediately joined a group of 75 to 100 pickets circling at the main entrance in violation of a circuit order issued last Friday by Judge Frank D. Ferguson.

That was in 1954. You testified that you knew something about that strike. Why did you defy the court order?

Mr. RAND. I don't understand your question.

Senator GOLDWATER. You testified that you knew something about this strike at Square D.

Mr. RAND. What strike is that?

Senator GOLDWATER. Square D.

Mr. RAND. I know about as much about it as you have just read there in the paper, period.

Senator GOLDWATER. I asked you a question prior to this, and I believe you said you knew something about it. Did you just know it by reading it in the papers?

Mr. RAND. Yes, Senator.

Senator GOLDWATER. You didn't know any of the details about it?

Mr. RAND. No detail whatsoever.

Senator GOLDWATER. Have you ever heard discussed at the top level why the court order was defied?

Mr. RAND. No.

Senator GOLDWATER. Let me ask you a question here. In your job as administrative assistant to Mr. Mazey, whom do you report to?

Mr. RAND. Mr. Mazey.

Senator GOLDWATER. Who does Mr. Mazey report to?

Mr. RAND. The executive board of the international union.

Senator GOLDWATER. And who is president?

Mr. RAND. And the officers.

Senator GOLDWATER. Who is president of the executive board?

Mr. RAND. Mr. Walter Reuther is president of the international union.

Senator GOLDWATER. So anything that you report of importance to Mr. Mazey we can reasonably expect is accessible to Mr. Reuther?

Mr. RAND. I believe so, Senator.

Senator GOLDWATER. Now, let me read you from a Columbus Evening Dispatch, which says, "Ohio's Greatest Home Newspaper," and I will get in a plug for them. That is November 17, 1953.

Nine Hurt in Violence at NAA, North American Aviation, Picket Line.

The subheadline is:

Company Asked Court To Clear Out Strikers.

Continuing:

At least nine persons were injured, none seriously, between 6:45 a. m., and 8:30 a. m. in the first major disorders since 12,500 UAW-CIO members went out on strike. Strikers massed in groups of 20 to 50 before several entrances. Autos of incoming first-shift workers were rocked. Fists threw, stones damaged cars, newsmen were threatened, and one striker was arrested.

Do you know anything about that strike?

Mr. RAND. No, Senator, I don't.

Senator GOLDWATER. Did you ever hear of it?

Mr. RAND. I believe, Senator, that those are the exceptions, and there are hundreds of strikes in which our union is involved.

Senator GOLDWATER. Well, it is an unusual exception?

Mr. RAND. Yes.

Senator GOLDWATER. Let me go on with these exceptions.

I am not through with my research on this, by the way, either, so we will have some more next week.

From the New York Times, Saturday, August 20, 1949:

Struck Bell plant demands militia. Company and sheriff join in asking Dewey aid after union demonstration.

The Bell Aircraft Corp. and the sheriff of Niagara County today asked Governor Dewey for armed intervention after a disturbance in the United Auto Workers' strike here.

Do you know anything about that strike?

Mr. RAND. When I answered "No" before, I have heard of those strikes, about as much as you are tell me now, Senator.

Senator GOLDWATER. I wouldn't try to cause you to create perjury by an answer like that. I want to know if you, in your official position, had anything to do with them, and I ask that question, if you knew about them from the executive level?

Mr. RAND. What was the date of that one?

Senator GOLDWATER. This article was August 20, 1949. You had been a member about a year, I think, at that time.

Mr. RAND. Yes. I was a member of my local union, and I didn't have an official position with the international union whatsoever.

Senator GOLDWATER. Well, in this particular case, I would doubt that you had any reason to know anything about it.

Mr. RAND. I read it in the paper, probably.

Senator GOLDWATER. Let me read to you from the Detroit News of Thursday, January 27, 1955:

Racing to beat an Atomic Energy Commission production deadline, officials of Simplex Industries, Inc., 24520 12th Westchester Telegraph, started negotiations today with the UAW-CIO in an attempt to reopen the plant. Scene of picket line gunfire and violence yesterday.

This is the subheadline:

Pickets arrested. About 20 cars carrying 1 or 2 pickets each were parked at the plant this morning. Bard Young, UAW-CIO international representative, and Samuel Murphy, vice president of West Side Tool and Die Local 157, said the union had not had sufficient time to call off another scheduled rally of pickets here today.

Now you have testified that you are a toolmaker by profession, and you did know about this strike in 1955?

Mr. RAND. Yes, I knew about that strike, Senator.

Senator GOLDWATER. Did you know about the gunfire and violence?

Mr. RAND. No. Where was that gunfire from?

Senator GOLDWATER. It said the gunfire occurred at the plant "the scene of picket line gunfire and violence."

Mr. RAND. I don't know anything about that strike at all, other than what was in the paper. I know some people involved in it, the names that you mentioned.

Senator GOLDWATER. It says:

At least three separate outbursts of firing were reported after the pickets tipped over a car owned by Edmund Blakeman, a nonstriking employee, and showered him with coffee.

Let me read you another one.

The CHAIRMAN. Do you know anything about that incident?

Mr. RAND. Nothing, except what was in the paper, Senator.

Senator GOLDWATER. From the Detroit Times of October 15, 1953:

Rocks thrown at Kingsford Chemical Co.

Now I will just read the first paragraph, which is a special paragraph:

Lansing, October 15. Attorney General Miller said today he would recommend that Governor Williams send State police to maintain order at the Kingsford Chemical Co. Officials of the company claimed that several nonstrikers who managed to get through massed UAW-CIO pickets at the main gate suffered minor cuts when windows in the car in which they were riding were smashed.

Do you know anything about that strike?

Mr. RAND. No, sir, Senator.

Senator GOLDWATER. I will read you from the Detroit News of November 16, 1954, headline:

CIO leader in plant brawl. Law-enforcement agencies sought to prevent further picket-line violence today as the UAW moved in to help a sister CIO union gain a closed shop at the Midwest Rubber Co., 14275, 9 miles east, in Warren Township.

Do you know anything about that strike?

Senator GOLDWATER. Now getting back to the North American Aviation Co. strike, in Columbus——

Mr. RAND. I don't think that last one was a UAW strike. Wasn't that the rubber works?

Senator GOLDWATER. It said the UAW moved in to help a sister CIO union.

Mr. RAND. Yes; but the very name implied that. There are a lot of United Rubber Workers unions in the city.

Senator GOLDWATER. I am not questioning that at all, but you have testified and others have testified that international representatives have a habit of wandering around in these other's strikes to help morale and I am just putting into the record the type of morale work that you engage in.

From the Detroit News of 1954——

The CHAIRMAN. The Chair will have to say again that the newspaper articles as such are not evidence. They may be read to ask the witness what he knows about it, if he knows whether they are true or not, but the articles as such are not evidence.

Senator GOLDWATER. Does the Chair object to the Senator reading these articles?

The CHAIRMAN. The Chair is not objecting at all. The Chair simply has a duty to perform here to keep the record straight, and that is all I am doing.

Senator GOLDWATER. If the witness cares to call anybody to testify that these are wrong, I am perfectly willing to allow him to do so.

Mr. RAUCH. Mr. Chairman, Senator Goldwater just made a statement and I would like to get this clear.

Senator Goldwater said, sir, "if the witness cares to call anybody to prove that these statements are wrong, he does not object to it."

Now the witness has no responsibility for calling other people. I have a responsibility of asking you to call other people if we decide that. Now, do I understand that we are now trying in this hearing, or that we are broadening this from Kohler and Perfect Circle to all UAW strikes? We are prepared, ready, and willing, and we have statistics showing how few strikes we have, and take statistics showing how little violence and we are ready to do that.

The CHAIRMAN. I think the Chair understands the purpose of this line of questioning. What the Senator is undertaking to establish is, if he can do so, that in the Kohler strike the violence that occurred there was in line with the practices and pattern of other UAW strikes.

Now, if I understand, that is the purpose.

Senator GOLDWATER. That is correct.

The CHAIRMAN. But the Chair has to take some responsibility for the proceedings here, and I stated that the articles themselves, although the Senators made them, are not evidence. But they form the basis of questioning the witness as to whether he knows anything about them. That is as clear as I can make it, and I believe I am right about it.

Senator GOLDWATER. I think in fairness to Mr. Rauh, that I should tell him that sometime last spring, I think it was May, and it might have been June, and the exact date slips me, the committee met and decided on 11 areas that we would investigate.

One of these areas was violence in striking. There was no decision made to pick out this strike or that strike or any other strike.

Now, the mere fact that Kohler was chosen, I believe the reason it was chosen was that it was probably the classic example of striking that we could put our hands on. Certainly the door isn't closed, in this Senator's opinion, to the investigation of violence wherever it occurs, because we are merely proceeding under the decision of the committee.

Now I want to go on with this.

Mr. RAUH. Just a moment.

Senator GOLDWATER. What do you want to say?

Mr. RAUH. I have to say it first in order for you to know what I want to say, Senator.

There is a confusion here, and I would like to get the answer to it. I am not clear now as to what we are in fact investigating, because your opening statement which I took as counsel for the union as the position of the committee, was that you were investigating here Kohler and Perfect Circle.

Now, Senator Goldwater, while I recognize your ruling is that this isn't evidence, is suggesting that we have some obligation to rebut newspaper articles which are not evidence. I had assumed that this is the Kohler strike, and if it is broader then we should rebut these things.

The CHAIRMAN. It is primarily the Kohler strike, but the Chair's position would be, and we have established already that there were many acts of vandalism and violence in the Kohler strike period.

Now, the Senator is contending that this just is further illustrative of a pattern of this union's practices. To that extent, if he can make

any corroborating testimony that this is the practice of the union, this is what it does in strikes, and it occurred here again in the Kohler strike.

Because you do have here some question as to who actually committed the vandalism. Now, we have not been able to establish definitely who may have committed the vandalism. If he can show that the general pattern is every time you have a UAW strike you have these things happening, it would have some corroborative effect.

Mr. RAUH. I understand what you mean, if he can show it by other-wise than newspaper articles.

The CHAIRMAN. Show by proof.

Mr. RAUH. Thank you, sir.

Senator GOLDWATER. Mr. Chairman, inasmuch as the broad field that we are investigating at the present time is violence in striking, I think that the committee can at any time decide among ourselves whether we want to get into any other strikes in which violence occurred.

Now, my purpose in reading these newspaper articles, or these portions of them, is to try and bear out what I have contended; that this is not an isolated strike at Kohler.

Now, I did not demand that the union rebut. If they doubt the word of the press, and if they don't believe what has been written in these newspapers, I think it is perfectly fair to them to allow them the chance to call the Detroit News wrong, or the Detroit Times wrong, or any of these other newspapers.

Now let me go on with this little chore.

The CHAIRMAN. We will cross that bridge when we get to it. At the present I don't know whether we will arrive at it. But if we do, we will cross that bridge then. This committee has jurisdiction to investigate any strike or any violence in any strike, anywhere in this country.

Senator GOLDWATER. Mr. Chairman, I have one or two more and I will be finished.

Two thousand block factory gate.

This is from the Detroit News of August 23, 1948—Jackson, Mich., August 23.

Violence flared at the gates of the Aeroquip Corp. Today resulting in a beating of several company officials and office employees. Two thousand pickets blocked the plant entrance, Police Chief Harry Baille said.

The company, manufacture of automotive, aircraft, and agricultural appliances, employs approximately 300.

That was just a year after you joined the UAW. Do you know of that strike?

Mr. RAND. No, I don't, Senator.

Senator GOLDWATER. From the Free Press of March 10, 1950:

Chrysler aide beaten by pickets.

That is the headline.

The first violence in the 45-day Chrysler strike flared Thursday at the Marysville plant. Pickets twice assaulted John Scrivo, 45, of Warren Township, a supervisor in the accounting department, at the gates of the struck plant.

Do you know anything about that strike?

Mr. RAND. No, sir.

Senator GOLDWATER. Well, Mr. Chairman, I won't read the rest of them at this present time. There will be some more as our research continues.

The CHAIRMAN. Is there objection to recessing at this time?

Senator MUNDT. Before you recess, could I make a unanimous-consent request? I may be in error, but I think that when we admitted the article by Ray Vikers, into the record, I think it was taken as an exhibit instead of part of the printed record. I think it should be part of the printed record in view of the fact that there were many questions about it, and there is a lot of comment from Mr. Vikers and to Mr. Vikers.

I ask you why unanimous consent, as part of the printed record at the point where we were discussing this matter, that the Wall Street Journal article of August 9, 1956, as reprinted in the Kohlerian for Friday, August 17, 1956, appear in the printed record.

It is not long, and I think it will make the hearing more intelligible to those who read it.

The CHAIRMAN. Well, the Chair has no objection. Does anyone else have objection? If not, it will be so ordered.

Now, may I inquire if there are any more questions of this witness?

Senator ERVIN. I want to ask just one.

Senator MUNDT. Senator Curtis does not seem to be here, but he told me a moment ago—

The CHAIRMAN. I am just trying to determine whether we should have the witness come back.

Senator CURTIS. Yes; I have some questions.

The CHAIRMAN. The witness will return, then, and we will recess until 2 o'clock.

(Whereupon, at 12:15 p. m., the committee recessed, to reconvene at 2 p. m., Thursday, March 13, 1958.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ervin, and Mundt.)

The CHAIRMAN. Will you resume the stand, Mr. Rand?

TESTIMONY OF DONALD RAND, ACCOMPANIED BY HIS COUNSEL, JOSEPH L. RAUH, JR.—Resumed

Senator ERVIN. If my recollection serves me right, you stated during your examination that Mr. Biever, I believe you expressed it, had run over a striker.

Did I understand you correctly?

Mr. RAND. Yes, sir.

Senator ERVIN. When did that occur?

Mr. RAND. During the period of the strike, and I don't know the specific date, and I can probably find that out for you.

Senator ERVIN. What do you mean by "running over a striker"?

Mr. RAND. He was found guilty of striking, as I remember it, one of our pickets while he was either going in or out of the plant. He was driving a car, and with that car, I think he pleaded guilty or he was guilty of that act.

Senator ERVIN. He was convicted in a court?

Mr. RAND. I think he appealed and it was still upheld.

Mr. KENNEDY. Mr. Rand, perhaps we can finish about the clay boat. In the afternoon you came back and Mr. Biever came down, and at that time the tires were punctured on the car that was pulling in the crane, isn't that correct?

Mr. RAND. Yes, I believe so.

Mr. KENNEDY. Did you have anything to do with that?

Mr. RAND. No, sir.

Mr. KENNEDY. How long did you remain in that area at that time?

Mr. RAND. I would say about 30 minutes.

Mr. KENNEDY. Then where did you go?

Mr. RAND. I went back to my office.

Mr. KENNEDY. How long did you remain in your office then?

Mr. RAND. I was there, I believe, until the latter part of the afternoon.

Mr. KENNEDY. Then did you go back to the dock?

Mr. RAND. Yes. I believe I was there some time in the evening.

Mr. KENNEDY. Why did you go back to the dock?

Mr. RAND. I heard that there was a tremendous crowd there, that cars were driving through there, and just a tremendous group of people were there, and I went down there out of curiosity.

Mr. KENNEDY. You went down to the dock three times, did you not?

Mr. RAND. Yes.

Mr. KENNEDY. Isn't it very peculiar that you happened to arrive at the dock on the three occasions when the crane was about to appear?

At 7 o'clock in the morning you were there, and 11 o'clock in the morning you were there when all of this violence was done to the crane, and you were there again at 6 o'clock in the evening when they were trying to get the equipment out. That is the situation.

And isn't it very peculiar that you happened to show up—the international organizer of the UAW—at the very time that these acts of violence took place, and where these incidents occurred?

Mr. RAND. I don't think that there was any accident insofar as me being there. I was not there all of the time. I was there for an hour, and I didn't come down there for any other reason than to see what was going on.

Mr. KENNEDY. It doesn't make any sense. You were there at 7 o'clock and you had the conversations with Buteyn. You went back to your office and you came back at 11 o'clock, and at that time the equipment on the crane was wrecked. You stayed for a half hour, and the equipment on the crane was wrecked. You went back to your office and you remained in your office and you came back in the evening.

Then you swore at the man who was trying to get the equipment out of the dock. Those are the facts. And whenever there was some act of violence, or whenever there was a disturbance, Don Rand was there.

Mr. RAND. Well, Mr. Kennedy, actually when I came back there the second time, I didn't see the crane, and the only thing that I saw at that time was Mr. Biever in the car which I subsequently found out was being driven by the detective, when the Kohler Co. officials

including Mr. Biever were there, and that was the incident which I related this morning.

Mr. KENNEDY. Then, certainly, in the evening, when Mr. Happy Buteyn was trying to get his caterpillars out of the dock area, you prevented him or told him or swore at him, and by intimidation prevented him from doing what he was entitled to do?

Mr. RAND. At that time he came over to me, and he said something to me and I don't remember exactly what it was, and I said I didn't want anything to do with it.

Mr. KENNEDY. Why didn't you arrange to have the lines opened up so he could get his equipment out of there?

Mr. RAND. I hardly knew anybody who was there.

Mr. KENNEDY. Well, Mr. Rand, it is very peculiar, I would say, that every time something occurred at the dock that day you were there.

Mr. Buteyn's estimation, both of their estimations were that you were in charge, and talking to the police officials who will testify later, but you were the one who was instigating all of these riots or these incidents that were occurring at the dock.

Do you deny any responsibility for it?

Mr. RAND. I have no responsibility for any of the riot that occurred there.

Mr. KENNEDY. You, as an international organizer——

Mr. RAND. Men and women and children were there, and thousands of people were there before the day was out.

Mr. KENNEDY. I understand.

Mr. RAND. And I know nothing about it.

Mr. KENNEDY. I understand, too, the fact that maybe at the beginning this was certainly not intended to occur; that is, the violence; and perhaps at the beginning it wasn't intended there were going to be that many people. But certainly you did not do anything as an international representative of the UAW to alleviate the condition.

The situation appears that when there was an incident, Donald Rand was present. I would like to just point out, as far as your history up there is concerned, Mr. Rand, you were there when the mass picketing was taking place. When these nonstrikers could not get through the picket line, you were present, and you did not take any steps at that time, as a representative of the UAW, to open up a line so the strikers could get to work. You were present on at least one occasion when the home demonstrations were taking place, which were completely unfair to the people living in those homes who wanted to go to work. That was intimidation. You were present on the three occasions down at the dock when incidents occurred.

You were a representative of the international union.

Mr. RAND. The period of time in which I was at the clay boat, Mr. Kennedy, probably covers 3 or 4 hours altogether.

Mr. KENNEDY. That is correct. You were there at 7 o'clock in the morning when they arrived with the equipment?

Mr. RAND. I don't know precisely whether something happened.

Mr. KENNEDY. I will tell you what happened. You were there at 7 o'clock in the morning at the arrival of the equipment, at 11 o'clock in the morning at the arrival of the crane and where all of the damage was done, and 6 o'clock at night when they came to try to pick up their equipment. That is what happened.

You were there 3 times, and 3 incidents occurred, and you were there in your participation in the rest of the strike?

Mr. RAND. Yes; I was disturbed about it, and I did speak to Emil Schuette who was there, as I have already mentioned.

Mr. KENNEDY. I would think that was completely unsatisfactory. You had an important position, Mr. Rand, and at the time the loud-speaker came down you could have gotten up and spoken yourself and told the people to go home, or certainly the people who looked to you for leadership.

That is all.

Mr. RAND. I wasn't in charge of this.

The CHAIRMAN. Well, who was? Can we find out for goodness sakes, who was in charge?

Mr. RAND. Mr. Burkhardt was the international representative, and Mr. Allan Grasskamp.

The CHAIRMAN. Was he your boss?

Mr. RAND. Well, he superseded me as such.

The CHAIRMAN. Was he there at the same time that you were?

Mr. RAND. I don't believe so.

The CHAIRMAN. Well, you were the highest ranking international official there; were you not?

Mr. RAND. I may have been.

The CHAIRMAN. All right, they were looking to you for leadership.

Mr. RAND. Allan Grasskamp was president of the local union.

The CHAIRMAN. But they were looking to you for leadership, so far as the international was concerned?

Mr. RAND. Not in this particular situation.

The CHAIRMAN. You were in charge, giving the directions and refusing to let them get their equipment out, and you were threatening them if they did; were you not?

Mr. RAND. No, sir.

The CHAIRMAN. As the testimony shows.

Mr. RAND. I pleaded with these people not to cross our picket lines.

The CHAIRMAN. Did you plead with them to let them get their equipment out of there?

Mr. RAND. No.

The CHAIRMAN. All right.

Senator ERVIN. When I heard the testimony about the incidents at the clay-boat dock, and then the disclaimer that it was not planned, but accidental, I cannot help but recall the statement that a great judge, Chief Justice Lacey, of North Carolina Supreme Court, made on one occasion. He said:

If two or more men coming from different directions and each carrying planks should meet at the center of a desert, and should place the planks together and form a perfect design, one might reasonably infer from such event that they came together by prearrangement.

That is all.

Senator CURTIS. Mr. Chairman, I have a question.

Senator MUNDT. I wonder if the Senator will yield?

Mr. CURTIS. I will yield.

Senator MUNDT. My purpose in asking the Senator from Nebraska to yield, Mr. Chairman, is to read into the hearing a letter which I

received during the noon hour, and which I think in justice to the clergy of Sheboygan County should be read, because their names have been bandied around to a considerable degree during the course of these hearings.

The CHAIRMAN. Let the Chair make it very clear again, this is not evidence.

Senator MUNDT. This is not evidence at all.

The CHAIRMAN. It is just a speech.

Senator MUNDT. Like the one we took in from Mr. Vickers this morning.

The CHAIRMAN. This was sworn testimony this morning.

Senator MUNDT. This was a letter or photostat copy of what Mr. Vickers had written.

The CHAIRMAN. I was not in the room at the time.

Mr. RAUB. The letter this morning was sworn testimony in that the witness swore that this was a letter from Mr. Vickers explaining the document which Senator Mundt was referring to. We are now getting a letter that is not the basis of any questions to Mr. Donald Rand, but is simply a letter being put in. We would appeal to you to enforce the ruling, which I know is difficult in view of the activities here.

The CHAIRMAN. Let the Chair state this, that each Senator is a Senator in his own name. I am stating for the record that this letter is not evidence, and if I am overruled, why then it will become evidence, but until I am it is not.

Proceed.

Senator MUNDT. Thank you, Mr. Chairman.

In view of the fact that a lot of liberties have been taken with the members of the clergy of Sheboygan County and their integrity has been challenged, and their impartiality has been challenged, and their judgment has been challenged, I found on my desk this noon, when I returned, a letter from Rev. T. Perry Jones, the pastor of the First Methodist Church of Sheboygan, Wis.:

Senator KARL MUNDT,

*Care of Senate Investigating Committee,
Washington, D. C.*

DEAR SENATOR MUNDT: I thought you would like a copy of this letter that has been sent to Mr. Emil Mazey in response to a telegram addressed to me. The members of the clergy of this community feel that publicity should be given to letters that are being sent by individual clergymen to the committee. Mr. Mazey has made us look very ridiculous, and religious leaders over the country should know our side of the story.

Sincerely yours,

T. PERRY JONES,

Minister, First Methodist Church, Sheboygan, Wis.

Here is the letter that Mr. Jones enclosed with that note of transmittal.

The CHAIRMAN. Let the Chair make this observation: Suppose we get a letter from Mr. Mazey. Are you going to want it in the record? I am trying to keep a record here that has integrity, so far as this sort of proceeding is concerned. I have the same letter, I know about it, but just to give it to the press is one thing.

But when you go to cluttering up this record with it, then you are going to force the Chair to rule that anybody else who wants to write a letter and put it in the record can do so.

Senator CURTIS. Well, will you give me the floor back on that. I think this: I believe either the sender of a letter or the recipient can lay a proper foundation for its introduction as evidence.

Now, the letter received this morning was not identified either by the writer or the person to whom it was addressed as a general written letter. It went in here, and I did not object to it, and I do not want to object to it. It was perfectly all right. Mr. Rand got it in there.

I have no objection to having members of the committee sworn to present this. But I believe that it does qualify when it is presented by either the writer or the receiver of the letter.

The CHAIRMAN. All the Chair has to say is when I rule the other way, don't object.

Senator ERVIN. Mr. Chairman, the letter referred to evidently is the letter that I understood was from Mr. Vickers. Senator Mundt inquired of Mr. Rand about an interview which he gave to Mr. Vickers. He had read a dispatch from the New York Times or the Wall Street Journal, or some newspaper.

Mr. Rand admitted that he had an interview with Mr. Vickers and he also admitted, as I recall, the accuracy of the particular quotation, but contended or asked, after he was asked about that, for the privilege of introducing it, after admitting the statement made by Mr. Vickers, and the letter that he had was from Mr. Vickers, referring to the very statement and the very article which was put in evidence.

I think that door was opened in that case, and I think it is an entirely different situation from that which now confronts the committee. Here we are offered a letter written by some man who is not a witness and never has been a witness, and whose name has not been mentioned, as I recall, by any of the witnesses or any statements.

If we are going to put in a letter like this, I have a bushel or two of them in my office that would be just as competent. I think we would never get an end to the record, or the hearings if that is what we are going to do.

Senator MUNDT. You say you were not here this morning?

The CHAIRMAN. I had stepped out and when I came back in, they were talking about this letter. Now, I assume that it had been put in evidence.

Senator MUNDT. I can throw a little bit more light on that letter, and it was admitted in evidence, and I did not object to it because I want to get the facts before the people, and I want to get the facts into the record, and I don't want to preclude anybody from introducing information that he thinks would be helpful on them.

Mr. Rand said he would like to read the letter from Mr. Vickers.

The CHAIRMAN. Was the letter from Mr. Vicker to Mr. Rand?

Senator MUNDT. It was not. It had no relationship whatsoever. It was to another party, from Mr. Vicker and answered back. It was never identified as being his letter at all. There was no identity to it at all. It was on foursquare with this letter. This happens to be a preacher and I think he is entitled to as much treatment as anybody else.

The CHAIRMAN. You know what the rules are.

Senator ERVIN. Mr. Chairman, I would like to state again that on an article, as I recall, written by Mr. Vicker, the witness was not only interrogated about it by Senator Mundt, but I believe it was subsequently put into the record, the entire article.

The witness was asked about his interview with Mr. Vicker. He offered a letter which was written to Mr. Vicker, calling attention to the same interview that was put into the record, the same article that the witness was interrogated about.

Furthermore, it was not objected to by anyone. That is the situation. This is entirely different.

Senator MUNDT. It is precisely the same. In both cases you have letters written by people involved in the testimony. In neither case was the letter written to the man who was testifying. Mr. Rand did not write Mr. Vicker. Mr. Vicker did not write to Mr. Rand. Mr. Rand said some other individual in the union had written to Mr. Vicker and Mr. Vicker had replied to him.

He said he had what he believed to be a true and honest photostatic copy of that letter. He pleaded for an opportunity to read it and we granted him the opportunity. It is exactly on foursquare. Senator Curtis interrogated Mr. Mazey at great length—

Senator ERVIN. With all due respect—

Senator MUNDT. Just a moment. I have the floor.

Mr. Curtis interrogated Mr. Mazey at great length about his attitude toward the clergy in Wisconsin, both the Catholic clergy and the Protestant clergy, because they had advertisements and ads expressing the opinion of Mr. Mazey on them.

Mr. Mazey made his statement and a little later modified it, retracted it. It is something that has been a matter of inquiry for a long time in here. I think the pastors of Sheboygan have a perfect right to have read into the record their opinion, because nobody can deny that they have been slandered or maligned or criticized, use what language you want, in the course of the testimony.

The CHAIRMAN. Let us get it settled once and for all. The rule provides that anyone who feels that he has been maligned or slandered may come and testify, or he may submit an affidavit. The Chair has enforced that rule up to now.

If we are going to do it this way—I am not going to do it. I am not going to admit it. I am going to let those who read this record know that I had the courage to rule as I believe is right. If you want to tear up the record, it is all right, but you will have to take the responsibility for it.

I know if you start this, every letter that I have received, every letter any member of this committee has received, is entitled to go into this record.

Senator MUNDT. At least it is on foursquare with the incident that occurred in this committee room less than 4 hours ago.

The CHAIRMAN. You invited it 4 hours ago. I was not here.

Senator MUNDT. It was not my letter. Mr. Rand invited it.

Senator ERVIN. I do not like to argue with my good friend, the able and distinguished Senator from South Dakota, but I am going to say this without letting my sweet disposition sour in any respect, that the situation which now confronts us bears just as much resemblance to the situation which occurred this morning as my homely countenance does to the beauteous countenance of Miss America.

Senator MUNDT. Mr. Chairman.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Under date of March 10, 1958, Rev. T. Perry Jones wrote to Mr. Emil Mazey, as follows: "Emil Mazey, Secretary-

Treasurer, UAW, CIO." He has addressed him care of the Senate Investigating Committee, Washington, D. C.

DEAR MR. MAZEY: Your telegram of apology for your irresponsible reference to the clergy of Sheboygan County arrived too late to be of any consequence. In fact, it is 2 years too late. The UAW-CIO, through its strike bulletins, and your intemperate statements in public speeches in Sheboygan, vilified the clergy for one reason only.

We were expected to support every word and every technique used by the union. When the clergy turned away from this snide invitation to be spokesman for the union, then we were accused of being spokesmen for the Kohler Co.

Obviously, your greatest insult is to assume that the clergy of Sheboygan County are so lacking in self-respect that they would be stooges for the Kohler Co. or any other group in the community. Whatever faults you may recognize in the Kohler Co., the clergy of this county can assure you that Kohler Co. officials have never tried to influence the churches. We are, Mr. Mazey, as free a group of clergymen as you will find in any part of the country and, in spite of your inference, we intend to remain that way.

Had you been as just and honest as you demand others to be, you could have made reference to the many meetings and hours of labor put in by four members of the clergy in an attempt to find an area of usefulness, and to convince the union in its strike techniques that they should be men of integrity.

Because we did not follow the leadership of the union, we were castigated for months in the daily strike bulletin and, by inference, we were accused of cowardice. I do not recall that you came to our defense during this period of intimidation.

It grieves me, Mr. Mazey, that a man of your experience and important office in the union should maliciously poison the minds of labor and alienate the great number of union members from their spiritual leaders.

Sincerely,

T. PERRY JONES,

Minister, First Methodist Church, Sheboygan, Wis.

For whatever it is worth, and in justice to the clergy, Mr. Chairman, I have never contended that this is evidence, but it is, it seems to me, in the spirit of fair play, an opportunity to give people who have been severely criticized, to put it mildly, before this committee, an opportunity to present their side of the case. If any member of the committee doubts the accuracy of this report, I will be happy to have them suggest to the clergy of Wisconsin, of Sheboygan, individually or collectively, that they come here to testify.

The CHAIRMAN. All right; you have agreed with me that it is not evidence, but you want to keep it in the record, notwithstanding that fact?

Senator MUNDT. That is right.

The CHAIRMAN. Then the Chair will recognize Mr. Rauh. You may make a statement.

If we are going to proceed that way, we will proceed that way.

Mr. RAUH. Thank you very much, Mr. Chairman. All I want to say is that Mr. Mazey apologized for his statement. It seems to me it is time we dropped this subject. Thank you for this opportunity, sir.

The CHAIRMAN. Your statement is not testimony either, as far as I am concerned. Proceed.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Rand, referring to the day and evening of the clay-boat incident, based upon all of your sources of information, including what you saw, as well as information you picked up in conversation, through the press and otherwise, what union officials were down to the dock the day of the clay-boat incident?

Mr. RAND. I believe, Senator, that almost every single person in Sheboygan County, including the officers and the stewards and the members and their wives and the kids, everybody—I saw lawyers, and there were probably doctors down there—I think everybody in Sheboygan was down at the dock during that period.

Senator CURTIS. Will you enumerate the union officials that were there? You were there?

Mr. RAND. I know that Alan Grasskamp was there. I know that Raymond Majerus was there. I believe that Ed Kalupa was there, who was a chief steward of local 833.

Senator CURTIS. Was anybody else there?

Mr. RAND. I am trying to search my memory. It is quite some time ago. I do not know, offhand. Bob Trever, of course.

Senator CURTIS. Was Baur there?

Mr. RAND. Art Baur, I think he was there; yes, sir.

Senator CURTIS. Was Treuer there?

Mr. RAND. Treuer?

Senator CURTIS. Yes; Treuer.

Mr. RAND. Yes; I just mentioned him.

Senator CURTIS. Was Vinson down there?

Mr. RAND. I do not know. I do not believe he was there. I do not even think he was in town at that time; was he?

Senator CURTIS. Can you think of any others that were down there?

Mr. RAND. As I say, I think probably everybody was there, the whole town.

Senator CURTIS. I am talking about union officials.

(At this point, Senator Goldwater entered the hearing room.)

Mr. RAND. I do not remember any others than that, Senator. Let me think for a minute.

Senator CURTIS. You were present in the hearing—

Mr. RAND. I think John Steiber, our financial secretary, may have been there, local 833.

Senator CURTIS. Can you think of any local 833 members who were not international representatives or officers, but who would come in from other locals? Can you think of any of them that were there, too?

Mr. RAND. I do not think there was anybody, Senator, from any other UAW local, unless they were from Sheboygan. We have a number of locals there in Sheboygan, who are members of our union.

Senator CURTIS. Not all of these international representatives would be in Sheboygan everyday all the time, would they?

Mr. RAND. When you say "all"—

Senator CURTIS. I mean some of those people were coming and going; is that correct?

Mr. RAND. Well, yes, depending upon whom you mean, Senator. If you mean Harvey Kitzman or people of that type; yes, sir.

Senator CURTIS. That is what I mean. There were people who came to Sheboygan off and on many times, but who were not there continuously?

Mr. RAND. Yes, Senator.

Senator CURTIS. So would you say that all the union officials, international representatives, and other unionmen, who had come in from outside in connection with the strike, who were in town were perhaps there, down to the dock that day?

Mr. RAND. Yes; I think the people who were in town, I think most of the people who were in Sheboygan that day, at one time or another were down at the dock, Senator.

Senator CURTIS. Now we have it established that the union officials were down there and that perhaps everyone of them that was in town was down there. I think there has been quite a little testimony here to show that they had some active part, one way or the other. There has been testimony about conversations.

You were in the hearing room yesterday when your public-relations man testified concerning the radio broadcasts; were you not?

Mr. RAND. Yes, sir.

Senator CURTIS. And at that time I called attention to the strike bulletin of Saturday, April 10, 1954, wherein, in the sixth paragraph it says this:

Don't forget to tune in on the nightly radio broadcasts over WHBL at 6:30. This is your best way of getting important, last-minute information and instructions.

Did you consider these radio broadcasts a means of instructing the strikers and others what to do?

Mr. RAND. Yes, Senator. The radio programs was used for that purpose, but to the best of my memory, whenever any instructions or notices were given, they were usually given by a specific member of the local union. As it was mentioned here, for example, if the chorus was going to have a rehearsal, it would have been the chairman of the chorus. If it was a strike committee meeting, it would have been announced by Alan Grasskamp or something of that nature.

Senator CURTIS. I am not interested so much in the chorus. I would probably like to hear it.

Mr. RAND. It does a pretty good job, Senator.

Senator CURTIS. How many different union representatives or officials had any talk or contact with either of the Buteyn brothers that day?

(The witness conferred with his counsel.)

Mr. RAND. Did you say how many local and international unions?

Senator CURTIS. Yes.

Mr. RAND. I believe I had a discussion with them. I believe Raymond Majerus, an international representative, discussed a matter with them, and I believe it has been testified that Ed Kalupa, who was, as I pointed out, a chief steward.

People other than that—that is from the local, of course. Whether there are people other than that, I don't know, Senator.

Senator CURTIS. The Kohlerian, although it has changed its name now, was in 1955 the official organ of local 833; was it not?

Mr. RAND. Yes, sir.

Senator CURTIS. I have before me here the issue of Friday, July 8, which says:

General strike, State CIO chief warns, if unloading of clay is attempted—

I will read the first three paragraphs. They are datelined Milwaukee:

State CIO President Charles M. Schultz, Thursday, said that if necessary he will call a general strike to prevent unloading of the Kohler Co. clay boat, the *M. S. Fossum*, a ship of Norwegian registry, loaded with 1,700 tons of ball clay for the strikebound plumping fixture firm.

Union dockworkers in Milwaukee said that they would not handle the cargo and State CIO President Charles M. Schultz, said that if necessary, a general strike would be called to prevent any unloading operations.

CIO President Charles Schultz predicted that 52,000 citizens would be out in the streets if the cargo is unloaded.

This morning there was some discussion with you as to whether Mr. Schultz was talking about a general strike in Milwaukee or a general strike throughout Wisconsin. Based on this reference of 52,000 citizens, what is your best judgment as to whether this general strike that was talked about was within the city or throughout the State?

Mr. RAND. Well, I would assume from the figures that you have used there, which appear in this article, Senator, 52,000—I haven't the least idea how many members there are in what he represents in that area, but I think that the statement was a mistake, and if I had known about it I would have been opposed to it, as I am now. I think it was a real mistake to make such a statement.

Senator CURTIS. What I am trying to clear up is whether your president was proposing a statewide general strike or whether he was talking about Milwaukee.

Mr. RAND. I am not sure now. When you say 52,000—how many members are there in the State of Wisconsin?

Senator CURTIS. That I do not know.

Mr. RAND. He is the president of the Wisconsin State CIO. I have very little, if anything, to do with that.

Senator CURTIS. Mr. Schultz is the statewide president?

Mr. RAND. He was at that time. He may still be for all I know.

Senator CURTIS. And his jurisdiction extended to all of the CIO unions in Wisconsin?

Mr. RAND. Well, the setup of the CIO in any one of our State organizations is made up of various CIO local unions who have affiliated with a statewide council. Just what his authority or jurisdiction would be, I am not sure at the moment, but the constitution or the bylaws of the organization will speak for themselves.

Senator CURTIS. That CIO president, Charles M. Schultz, he is president of the greater organization which includes unions other than the UAE; is that right?

Mr. RAND. Yes. The State CIO is made up of affiliated locals from among CIO unions within the State.

Senator CURTIS. And would he have authority to call a general strike?

Mr. RAND. I doubt it very much, Senator.

Senator CURTIS. He would have to have some other people supporting him?

Mr. RAND. I am pretty sure he would.

Senator CURTIS. I want to get that organizational setup just right for the record. From the international standpoint, Walter Reuther, prior to the merger, was both president of the UAW and also president of the CIO; is that right?

Mr. RAND. Yes; I believe he was. Yes, the UAW and the CIO.

Senator CURTIS. At the present time, your immediate superior is Mr. Emil Mazey?

Mr. RAND. Yes, sir.

Senator CURTIS. And his immediate superior is Walter Reuther?

Mr. RAND. Yes. Walter is the president of our organization and Emil is the secretary-treasurer. He would be the superior, I suppose.

Senator CURTIS. In another issue, right close to that time, of the same paper, July 14, 1955, the headlines say, "Labor Solidarity Sends Clay Boats Away. AFL and CIO Backed by Public Support."

Now, this statement in your official paper indicates that it was the CIO and AFL project and it was backed by public support. The first paragraph is as follows:

The united front of the CIO and AFL, combined with overall public support this week resulted in an announcement from the shippers of Kohler-bound clay that they would not attempt to unload their cargo either in Milwaukee or Sheboygan.

Further on in this article, the paper says it is the official organ of local 833. It says:

Harvey Kitzman said all unloading operations would be picketed to advertise the fact that it is bound for a struck plant.

Then, in the Milwaukee Journal of Thursday, July 7, 1955, we have a reference to the same incident. It says:

Freighter comes here after Kohler dispute—
and the next headline is:

Threat made of citywide CIO walkout.

I read the first paragraph:

Charles M. Schultz, president of the Wisconsin State CIO said Thursday that he had received assurances from Mayor Zeigler that the freighter, *Fossum*, would not be unloaded here until the mayor received a legal opinion. Schultz said he would call a citywide strike of all CIO union members if unloading were attempted. There are about 50,000 CIO workers in Milwaukee.

Then, I would like to call your attention to another portion of that story:

The freighter reached the Milwaukee Harbor about 6 a. m., and tied up at municipal pier No. 1. A dozen persons, including some of the striking Kohler workers from Sheboygan, gathered in the dock area on Jones Island. Police later barricaded the island entrance to turn back anyone who did not have business there. There were no incidents, police said. Some of the union men said that they were here as observers.

My question is this, Mr. Rand: Do you know who any of the men were who went over from Sheboygan to Milwaukee to be there as observers when the boat docked or attempted to dock at Milwaukee?

Mr. RAND. I understand, Senator, that there were some people from Sheboygan who were there. I do not know what their names are.

Senator CURTIS. Where did you get that information?

Mr. RAND. From the same source, I think, that you have.

Senator CURTIS. Well, now, Mr. Rand, here we have a picture where the strike bulletins inform the members to listen to the radio for their instructions. The radio carries on a program of when the boat will arrive and says, "There certainly will be a welcoming committee down there."

According to your testimony, practically, at least, every union official that was anywhere around the area was there the day of the incident. The testimony is without dispute that they had conversation with the Buteyn brothers, who were the contractors there to unload the boat.

There is other testimony about their conversations with police, and possibly with some of the Kohler people. Following that, your State president, after they failed in one attempt to unload the boat, says: "If it is unloaded in Milwaukee, there will be a general strike."

In the light of those facts, I ask you: Is it still your contention that the union had no part in the clay boat incident?

Mr. RAND. Yes. It is my opinion and it is the opinion of the examiner who investigated this matter, the Labor Board.

Senator CURTIS. I think you would know more about it than any of the rest of us on the outside would know. I am going to be interested as this investigation progresses in the extent to which you and other high-ranking officials in the union contend that it was not your doings.

Now, Mr. Rand—

Mr. RAUH. Mr. Chairman, before we leave that, there is a confusion in the record about the relationship of the CIO president to the United Automobile Workers. Indeed, the questioning has referred to the fact of "your president."

The CIO is an organization in the State, sir, which has no authority in any collective bargaining of this kind. It is a loose federation dealing with other matters, legislation, other kinds of actions. We had no responsibility whatever, sir, for what might have been done by the head of this loose federation.

It is inaccurate to refer to it as "our president." I do not say whether it was wise or unwise.

The CHAIRMAN. If you want that to be evidence, let the witness so swear. The Chair is not going to sit here and rule that everything you say is evidence. I am going to keep this record straight.

All right, proceed. The statement of the counsel is not evidence. It might be informative to someone who might want to listen to it and get their bearings.

Mr. RAND. Senator—

Senator CURTIS. I am totally astounded at the statement of counsel. I did not lift that statement out of some irrelevant publication. Here is the official organ of the local union, carrying the story of what their State CIO president says, that there will be a general strike if they attempt to unload that boat. Here we have a statement of counsel trying to disclaim it.

It is about as impressive as these other disclaimers.

The CHAIRMAN. All right, Mr. Witness.

Mr. RAND. Senator, it happens to be a fact that the State president, to my knowledge, could not have done what he is saying there.

Senator CURTIS. Do you mean he had no lawful authority to do it?

Mr. RAND. I do not believe that he had that authority.

Senator CURTIS. I will ask you this—

Mr. RAND. Under the constitution of our international union, there is a certain procedure that follows, and one of those procedures does not provide that the State president of a State organization will call a general strike.

To my knowledge, it is impossible for him to have carried out that particular statement and I think it was a mistake on his part. I am sure that he would agree today that it was a mistake to make such a statement.

Senator CURTIS. I think there are a lot of threats made, and probably they have no lawful authority to perform them. I do not know who slashed Mr. Buteyn's tires, 10 of them; I am not making any accusations as to who did. But I am sure of this, that no one had any lawful authority to do it.

The witness has testified in response to questions about the boycott. He has had a part, some part, in the boycott. I want to ask you: The products of Kohler are used in home construction as well as public buildings, are they not?

Mr. RAND. Yes, sir.

Senator CURTIS. And you know, as a matter of fact, of course, that most citizens do not build a home more than maybe once during their lifetimes. You are also aware of the fact that many of the contractors, builders, are small operators and small-business men, as well as there may be some larger ones.

Mr. RAND. That contractors are small-business men?

Senator CURTIS. That among the people who build homes there are many small contractors and operators?

Mr. RAND. Yes, sir.

Senator CURTIS. When a union official makes a suggestion either to the person that is putting his life savings into building a house, or to the small contractor, the small-business man who is building that house, when the UAW representative comes along and in just an ordinary tone of voice makes a suggestion that they ought not use Kohler products, that carries with it something more than just an urging, does it not?

Mr. RAND. As I understand it, Senator, a legal primary boycott is proper. That is the type of a boycott program that was undertaken by our union and we advertised the Kohler story and urged people not to buy Kohler products during the period in which they were found guilty of unfair labor practice in their failure to bargain in good faith.

Senator CURTIS. The point I wish to make is this: Not to talk about the legality of a particular set of acts, whether or not they are already prohibited as a boycott or whether they should be, but I want to point out what the practical effect of it is when the union official says to a little individual or a person of modest circumstances, or anybody else, "I would suggest you not use Kohler products."

That suggestion is coming from an organization that he has heard about and he has read such headlines as rioting, injury, and, "Two Hurt. Two Seized in Picket Clash." In other words, over a long period of years, he has read about the UAW and what happens to people that get in their way.

He has read about violence at Kohler; he has read about these other things. If he lived in the Toledo area, he may have read in the newspapers of how a member of the union got up in the union and wanted to see the books of the building corporation and got his jaw broken.

So it is not just a mere suggestion that Kohler is unfair in their labor organizations and you are trying to persuade people not to use their products, but the entire reputation, built up over a period of years of the UAW is pressing down on the mind and conscience of that individual.

So he is going to be impressed by it and he is not going to use them. Do you feel that when you are successful in curtailing the use of Kohler products, that you are hurting anybody besides the Kohler Co.?

Mr. RAND. Is that your question, Senator?

Senator CURTIS. Yes.

Mr. RAND. Am I hurting somebody?

Senator CURTIS. Yes.

Mr. RAND. I was so lost in your speech that I do not get the question. Why don't you repeat the question for me?

Senator CURTIS. All right, I will.

Mr. RAND. I was going to talk about some of the decent things that our union has done for the people in this country, such as pensions, wages, better working conditions. You seem to forget those things, Senator, when you talk about it.

Senator CURTIS. No, no. I heard Walter Reuther talk about those things every time he has been asked a direct question in the last 10 years.

Mr. RAND. And he does a very fine job in pointing out the very, very fine things that have been done by our organization.

Senator CURTIS. The words just float out and he avoids the responsibility for the record that has been written by the UAW all through the years, just as you people here avoid responsibility for the record you wrote at Kohler.

I have no sympathy for the Kohler Co. management. I never saw them before this thing came up, but the public has an interest here, and when the public has a choice of merchandise shut off by a boycott, not only does it restrict their selection, but it causes the prices to rise, and certainly, to a lot of people, just like this Buteyn firm small-business men who may be in the retailing or distributing business, they are not responsible for what happened at Kohler, yet they are the victims of this boycott program you carry on.

My question was——

Mr. RAND. Senator, I would like to say this, that I am sure that the decent people in the United States of America and Canada, whoever buys a bathtub, will not support the Kohler Co. in their sordid background and their history of their murdering people and their attempts to do the same thing. It is my opinion that they actually were going to do the same thing if they got the opportunity in 1954.

The record will show that they had guns and ammunition and clubs and all of these things there, especially detectives, we find out here. This company's sordid labor history is one that ought to be told to all of America.

Senator CURTIS. All right.

Mr. RAND. I think that those people who understand and hear this story will not buy any of the Kohler products.

Senator CURTIS. All right. Now, here is my question: Do you feel that when you are successful in inducing someone not to use Kohler products, that you are hurting anyone other than the Kohler Co.?

Mr. RAND. We were in hopes, Senator, that we would never have to have a boycott. We gave a great deal of consideration to this because——

Senator CURTIS. We will grant that, that you were hoping that that would not have to happen. But it did happen, it is happening now. You have a nationwide boycott operating. What I am asking you is: Do you feel that in this boycotting, you are hurting anyone other than the Kohler Co.?

Mr. RAND. That we are hurting people other than the Kohler Co.?

Senator CURTIS. Yes.

Mr. RAND. Yes, unfortunately, Senator, we are, and we are willing to call this boycott off today, this minute, if you can get Mr. Congress to accept Mr. Mazey's arbitration proposal.

Senator CURTIS. We are not arbitrators. We are taking this testimony for the one purpose, and that is the only reason we have to justify these hearings, to get the information to see if there should be any change in our labor laws.

We are not here to defend the mistakes of management or the mistakes of labor. You said that you are hurting other people. Now who are you hurting?

Mr. RAND. When you say, "Who are we hurting?" do you mean as a result of the boycott?

Senator CURTIS. Yes.

Mr. RAND. I think the over 2,000 men, women, and children in the Kohler strike are being hurt very much by the boycott because it is necessary to carry on this boycott because of the refusal of the Kohler Co. to sit down and bargain very simply on the terms that we have offered to settle the strike on.

Senator CURTIS. Now let us get back on the train. I asked you if you felt that in carrying on this boycott you were hurting anyone other than the Kohler Co., and you replied, unfortunately you were. Now who are those other people that you are hurting?

Mr. RAND. The two-thousand-odd strikers, their families, their wives, and kids and all the people.

Senator CURTIS. Do you mean your boycott is hurting those people?

Mr. RAND. Yes, Senator, because if we did not have to have this boycott, we would have the strike settled. That is what we want to do, through the boycott, to settle this strike.

Senator CURTIS. Are you hurting any retailers?

Mr. RAND. I have no knowledge of it. I would say that there are many good union products that can be purchased in lieu of Kohler products, which are made by scabs and strikebreakers.

Senator CURTIS. How about the retailer who may have his money invested in an inventory of Kohler products that he has bought in the due course of business? Are you hurting him?

Mr. RAND. Well, I think, Senator, that that is a concern that the Kohler Co. ought to give a great deal of consideration to.

Senator CURTIS. All right, I am asking whether or not he is being hurt.

Mr. RAND. I don't know; is he?

Senator CURTIS. Well, is he?

Mr. RAND. I don't know of any of those.

Senator CURTIS. How about a distributor who perhaps has been a distributor of a particular line of products for 10, 20, or 30 years or 40 years, who has built up goodwill and their advertising program on pointing to a product that your members have made, and you go into a community and you boycott the use of it.

What is the effect of that upon the distributor?

Mr. RAND. Senator, we did not start this strike; we did not cause the strike——

Senator CURTIS. I did not ask who started it.

Mr. RAND. All of these things are fundamental when you come to a discussion such as this. Those people are victims of Kohlerism. That is what the problem is here.

Senator CURTIS. Just a minute. Do you adhere to the doctrine that the end justifies the means?

Mr. RAND. I don't think so, no, Senator.

Senator CURTIS. Are distributors hurt by this action?

Mr. RAND. I think some may be and so are the 2,000 Kohler strikers and their families.

Senator CURTIS. In other words, you would agree that a boycott does hurt people that are not involved in the basic labor dispute, is that correct?

Mr. RAND. Yes, just as the strike does.

Senator CURTIS. And that is what we are interested in.

Mr. RAND. Yes, and we would like to settle the strike today.

Senator CURTIS. We are interested in the public's stake in this thing. Now I want to ask you about something else. Were you ever at the bowling alley known as Root's Bowling Alley?

Mr. RAND. Yes, I was, Senator.

Senator CURTIS. How many times have you been there?

Mr. RAND. I think I have been there possibly a dozen times.

Senator CURTIS. A dozen times?

Mr. RAND. Maybe more, Senator.

Senator CURTIS. Were you there on the night of February 6, 1956?

Mr. RAND. I am not sure of the exact date. If you have reference to a particular incident——

Senator CURTIS. That night there was some trouble there.

Mr. RAND. I was there on one of those nights.

Senator CURTIS. On one of those nights. It is the occasion that has been referred to by previous witnesses as the Root's Bowling Alley incident, wherein the bowlers, made up of individuals who were then working in the plant were bowling down there and there was some trouble. You were there that night?

Mr. RAND. I believe that they were there two nights. They had some difficulty. I was there one night when there was some trouble.

Senator CURTIS. Who else of UAW officials or members brought in from the outside were there at the bowling alley the night that you were there?

(The witness conferred with his counsel.)

Mr. RAND. I do not believe there were any, sir.

Senator CURTIS. Do you know Roger Bliss?

Mr. RAND. Yes, I do.

Senator CURTIS. Who was he?

Mr. RAND. He is a Kohler striker.

Senator CURTIS. He is a Kohler striker?

Mr. RAND. Yes, sir.

Senator CURTIS. Was he there that night?

Mr. RAND. Yes, sir; he was there the night I was there.

Senator CURTIS. Were the two of you together?

Mr. RAND. I don't know whether we were together. He was there and I was there. I believe I was with him.

Senator CURTIS. What?

Mr. RAND. I was with 3 or 4 other people, too, I might add.

Senator CURTIS. Yes. Who were they?

Mr. RAND. I think Fritz Byrum, a Kohler striker. There were 2 or 3 Kohler strikers. I don't know their names offhand.

Senator CURTIS. Did you bowl that night?

Mr. RAND. No, we did not.

Senator CURTIS. Did Roger Bliss bowl?

Mr. RAND. No, I don't think he did. I think the Kohler Co. scabs and strikebreakers were bowling in a city tournament.

Senator CURTIS. These 3 or 4 other people that you were with, did they bowl?

Mr. RAND. I don't think so.

Senator CURTIS. What time did you get down there?

Mr. RAND. It must have been around 9.

Senator CURTIS. How long did you stay?

Mr. RAND. I would say about 30 minutes, a half hour, more or less. More than that, if anything.

Senator CURTIS. A little more than that. Did Roger Bliss have an altercation with a police officer down there?

Mr. RAND. He had an altercation outside with a police officer, I think. He was in plain clothes. He was unidentified. I think——
(The witness conferred with his counsel.)

Senator CURTIS. Did you have some conversation with the policeman?

Mr. RAND. Yes, I believe so.

Senator CURTIS. You spoke up in defense of Roger Bliss, did you?

Mr. RAND. I spoke up and, as far as Bliss was concerned, he was disturbed over somebody what he claimed jumped on him in the bowling alley, a plainclothes man. He was pulling away and these fellows identified themselves as officers.

I urged Bliss not to start anything or get into any difficulty, to do what they were telling him to do. They said they wanted to talk to him.

(Members of the select committee present at this point, were Senators McClellan, Ervin, Mundt, Goldwater, and Curtis.)

Senator CURTIS. Why did you go down to Root's Bowling Alley that night?

Mr. RAND. I went down there, Senator, because I had heard, and I think we got telephone calls, there were a bunch of policemen down there, secreted in various sections of the street, and there was a large number of people down there.

I went down there because I wanted to make sure that none of our people got into any difficulty because I knew that the Kohler people were bowling there.

Senator CURTIS. Now were your people bowling down there?

Mr. RAND. No, sir.

Senator CURTIS. You wanted to go down and see the policeman?

Mr. RAND. No. I had understood that Mr. Desmond was down there taking down names or some such thing, and you have to understand this situation, that these people——

Senator CURTIS. Who told you that Mr. Desmond was down there taking down names?

Mr. RAND. I received a telephone call to that effect, sir.

Senator CURTIS. Where were you when you got the telephone call?

Mr. RAND. I was in my office.

Senator CURTIS. At what time?

Mr. RAND. 8 or 9 o'clock at night.

Senator CURTIS. Who was it from?

Mr. RAND. I don't know the person offhand.

Senator CURTIS. You got an anonymous telephone call?

Mr. RAND. No, I don't believe it was anonymous. I don't remember the name offhand, but somebody told me that there was a great number of people down there.

Senator CURTIS. It was general knowledge that those Kohler employees that were working were going to bowl down there that night, wasn't it?

Mr. RAND. I don't believe that I knew that, and it may have been general knowledge.

Senator CURTIS. And it had been discussed in your union circles, hadn't it?

Mr. RAND. Not by me, sir, no.

Senator CURTIS. How many strikers did you see down there?

Mr. RAND. Well, I don't know whether they were strikers or who they were. There were a lot of people there.

Senator CURTIS. How many strikers that you recognized as strikers did you see down there?

Mr. RAND. I would have to estimate, Senator, and I would say 6 or 8 of them, or maybe 10, and I don't know offhand. It was pretty crowded there. It is a neighborhood bar and a tavern connected.

Senator CURTIS. Now you went down to see Mr.—what's his name, who was writing down some names?

Mr. RAND. I heard Mr. Desmond was there.

Senator CURTIS. You wanted to go down and see him write?

Mr. RAND. I have seen this fellow writing quite often. He is an attorney for the Kohler Co., and he makes a practice, and I think he took 485 affidavits or some ridiculous figure.

Incidentally, Senator, many of them were disproven in the National Labor Relations Board hearings.

Senator CURTIS. I don't know what you are talking about disproving. I haven't gotten the story out of you yet.

Mr. RAND. I am talking about the affidavits that he took, and his attempts to get information dealing with the activities of the Kohler strikers.

Senator CURTIS. Here was an activity going on where your crowd weren't involved. They weren't bowling, and you say you went down there to see him write down names because you heard some policemen were down there?

Mr. RAND. I don't think that I said that; did I?

Senator CURTIS. What did you go down there for?

Mr. RAND. I went down there because I was aware of the fact there were a great number of policemen in the area, and that there was a big crowd down there.

Senator CURTIS. Who told you there was a big crowd down there?

Mr. RAND. I have already testified to that, sir, that I received a telephone call.

I might point out, Senator, that I have been to a lot of places in Sheboygan, and I spent a great deal of time there, and the fact I was in this bowling alley at the time certainly doesn't indicate that it was something that just happened. I was there a dozen other times.

Senator CURTIS. Did something happen that night?

Mr. RAND. Yes; it did.

Senator CURTIS. What did happen?

Mr. RAND. Well, I don't know exactly how or where or anything else, or what actually happened, but all of a sudden somebody grabbed Bliss—and I think his case was tried in court, and Bliss was eventually—the charges were dropped. And there were some plainclothes men we found out subsequently to that who were in the bowling alley and other people can certainly testify to what the facts are.

There was pushing and shoving and that was all that I saw.

Senator CURTIS. Did Bliss come down to push and shove, or did he come down to bowl?

Mr. RAND. The alleys, sir, were being used by these Kohler scabs and strikebreakers.

Senator CURTIS. Well, Bliss wasn't one of them, was he?

Mr. RAND. Oh, no, sir.

Senator CURTIS. Those fellows were interested in bowling, and the scores, and the tournament going on, weren't they?

Mr. RAND. Yes.

Senator CURTIS. It wasn't a case of your crowd having a bowling party, and the Kohler workers who were not joining you coming in and molesting you at all, was it?

Mr. RAND. I don't understand your question.

Senator CURTIS. This wasn't a case of where the strikers were having a bowling party, and the nonstrikers came and molested them, was it?

Mr. RAND. No, to the first part of your question, and what is the second part?

Senator CURTIS. It is all one question. I said this was not a case where the strikers were having a bowling party, and the nonstrikers came and molested them, was it?

Mr. RAND. The nonstrikers, no.

Senator CURTIS. Well, that is what I wanted to know.

Mr. RAND. I think Mr. Desmond was there, too, and I think he testified he wasn't bowling.

Senator CURTIS. I want to read just a part of the editorial which appeared in the Sheboygan Press on February 8, 1956, which apparently was the second day after that.

Mr. RAUH. Mr. Chairman, the issue has arisen again of an editorial to be read that has nothing to do with the questioning. It is just a reading of an editorial, and I suppose it can be done, but I just wanted to call your attention to it.

The CHAIRMAN. Well, the Chair has ruled, and the Chair is still going to insist he is right until I get taught better, that you may read an editorial or an article from the paper, and ask him if he agrees with those facts.

The reading of it, or the statement about it, is not evidence. The answer that the witness may give is evidence.

Proceed.

Senator CURTIS (reading) :

The heckling, the profanity, and the obscenity and mauling that developed at Root's Recreation, 1520 South 12th Street during the past 2 evenings, certainly is not characteristic of Sheboygan. The screaming, the interference with the bowlers, the flicking of ashes into the glasses of beer, the kicking in the shins, the spitting of tobacco juice, and the spraying of beer at bowlers, the kicking around the shoes of the bowlers, the barring of access to the men's room, the ripping of shirts, and all these acts of indecency are not typical of Sheboygan as we have known it. Neither is the threatening of life typical to our community, but there was at least one such instance Monday night. Requiring the bowlers to run a ganlet as they leave the premises, is not Sheboygan.

Now, my question is this: In your opinion is that characteristic of Sheboygan?

Mr. RAND. May I read a letter, too, Senator.

Senator CURTIS. I want you to answer my question.

Mr. RAND. I don't think that I understand your question, Senator.

Senator CURTIS. Well, I read this newspaper account of the interference taking place with the bowlers. I will have to read it again.

Mr. RAND. I don't think it is necessary, if you will just ask me the question.

Senator CURTIS. They described all of this spitting and picking and putting ashes in beer, and ripping shirts off, and said that that wasn't typical of Sheboygan. I asked you if you agreed with that, that it is not typical of Sheboygan.

Mr. RAND. I don't think that action of that type is typical of any town in this country. I am quite positive of that.

Furthermore, if you will look at this in the proper perspective, you can understand that the emotions are high, and things like this will happen, Senator, with a strike of this type against the Kohler Co.

This Kohler Co.'s background is one which is probably the most sordid in the history of any industry, and you have to accept the fact that certain emotions, or emotional things will take place, and they are very unfortunate indeed, sir.

Senator CURTIS. Now you can go on with all of those arguments you want to, that the end justifies the means, but you will have to answer in the court of public opinion on that issue.

Now, here were some of your fellow workers down there bowling. Because you didn't like the employer, you say it is all right to go ahead with those things.

Now, this last paragraph in this editorial has something to say about you.

The right to set up picket lines at a struck plant is not in question, but we do not believe it is the intent of the law that a picket line can be moved to the place of business of a person who is not involved in the strike.

The disturbances at the bowling alley were in effect moving the picket line to such a place of business. To substantiate this viewpoint, we point out that Kohler strikers took part in the disturbances Monday, and that in that group that evening was Don Rand who represented the international union here.

Mr. Rand will be remembered for his activities on the day of the riot at the harbor front last July. It is a remarkable coincidence that disturbances become intensified during the periods that he is in the city.

My question is this—

Mr. RAND. May I read—

Senator CURTIS. Let me ask the question.

Mr. RAND. May I read an article from the next day's press, too, if you will allow me to do that?

Senator CURTIS. I want you to answer this question: Are you the Don Rand that is referred to in the Sheboygan editorial of February 8, 1956?

Mr. RAND. Yes, which I am referring to in the editorial papers of the Sheboygan Press.

Senator CURTIS. What is it you want to read?

Mr. RAND. I would like to read an article that appeared in the Sheboygan Press, on February 9, 1956.

Senator CURTIS. How long is it?

Mr. RAND. It won't take too long, a little longer than yours, Senator.

Senator CURTIS. Is it an editorial?

Mr. RAND. No, it is an article that appeared there.

Senator CURTIS. A news item?

Mr. RAND. Yes, sir; and I will give you this copy if you will allow me to read it.

Senator CURTIS. You go ahead and read it. It is all right.

Mr. RAND (reading):

UNION BOARD ATTACKS PRESS AND PRAISES RAND

The executive board of local 833 accused the press of casting aspersions on the union and defendant Don Rand, international representative, in a statement issued today, in reply to an editorial published Wednesday. The statement was transmitted by E. H. Colhagen, recording secretary; and it follows: "The Sheboygan Press editorially tried its hand at tongue in cheek libel by casting aspersions on the union and the international representative assigned to the Kohler strike by inference, insinuation and omissions.

"International Representative Donald Rand was assigned to the strike in October of 1955, mainly to intensify the nationwide primary boycott campaign against Kohler products and also to administer the strike in behalf of the international union. He was assigned because he is a capable administrator, a good negotiator and a hard worker.

"He has done a most competent job of administering the day-to-day work of conducting the strike, and put in more than 16 hours each day sparkplugging the evidently successful boycott campaign. We are not surprised that Kohler management wishes to rid itself of International Representative Don Rand as a negotiator and as a union leader.

"He is formidable opponent. We are surprised that the press has subscribed to the Kohler Co.'s smear tactics. If the press is really—"

Senator MUNDT. We are entitled to know what all of this levity is about. They are passing notes around, and if it is evidence—

Mr. RAND. They are missing me, too, Senator.

Senator MUNDT. I saw counsel pass a note to you and if it came from somewhere else—

Senator CURTIS. The witness is mine and I haven't yielded to anybody.

The CHAIRMAN. Senator Curtis has the floor. Proceed.

Senator CURTIS. Go ahead with your reading. I think what you are reading is very significant.

Mr. RAND. I think it is, too, Senator.

"If the press is really concerned about the welfare and good name of Sheboygan, it could do far more to offer constructive leadership in trying to find ways and means of settling the strike on an honorable and equitable basis. We too are concerned about these incidents, and think that the entire situation is

deplorable, including the lack of real courage on the part of leading citizens to investigate all of the true facts of the entire situation, and follow with definite steps designed to restore a stable industrial peace to the community.

"We note that the Sheboygan Press has never raised editorial comment about the industrial lawbreakers in our midst, who have plunged the entire community into conflict. The good name of Sheboygan did not seem to be at stake when the Kohler Co. was cited for 12 unfair labor practices, each single one involving a charge that a Federal Labor Board law had been broken. Or what about Kohler Co.'s conviction on earlier counts which were adjudicated to be outright intimidation? And doesn't the same principle apply or are Kohler workers expendable as citizens of the community?"

"The international union has demonstrated far greater responsibility to the Kohler strikers and to the community than either the Kohler Co. or its satellites. They spent over \$7.5 million in this community so that economic pressures will not determine the outcome of this strike.

"They spent the money so that Kohler workers can eventually achieve first-class citizenship not only in their homes but also at work. We agree that hoodlumism has no place in Sheboygan, but neither has second-class citizenship. If the Sheboygan Press desires to crusade for the elimination of both, we offer our wholehearted cooperation because our concern for the community and its good name extends far beyond recreation for strikebreakers."

That was an article that appeared in the Sheboygan Press of November 9, 1956.

Senator CURTIS. That was a news reprint of the statement issued by the local union?

Mr. RAND. Yes, the executive board of local 833.

Senator CURTIS. I am very much interested in you presenting that. Here a shameful thing takes place. A man owns a bowling alley, and he has no labor strike, and no labor trouble there. Some of your fellow human beings, fellow workers, go down there to bowl. People come down there to molest them. It is described as obscenity and profanity and spitting of tobacco juice and flicking ashes in beer, and kicking people on the shins.

Mr. RAND. I did not see that happen there.

Senator CURTIS. I know you did not say it.

Mr. RAND. I did not see it there, either.

Senator CURTIS. A newspaper condemns it. And they are treated with the identical UAW pattern that Judge Schlichting was treated with, and that the clergy was treated with. They were attacked for that. And you are writing the record here on that.

I think that you men owe a responsibility to the tens of thousands of workers in this country, many of them organized, to take this cloud off unionism and discontinue and disavow responsibility for these things. After all of these admissions, for instance, about the clay boat incident, that you were all there, that you discussed the things with Buteyn, that you were in touch with the policemen and that had been advertised over the radio and strikers were told in their bulletin to listen to the radio for instructions, you then come in here and say that it was not any union activity, and you had nothing to do with it.

That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. Counsel?

Senator MUNDT. You asked me the other day to examine some exhibits which Mr. Rauh offered to the committee, and to report back to the committee as to whether I thought they should be accepted and to compare them with the colloquy and the differences of opinion which had given rise to them.

I have now had an opportunity to examine these documents and I have gone over them and had them examined in addition by one of our staff associates, Mike Bernstein, and I am ready to make my report if it is agreeable with the chairman.

The CHAIRMAN. The Chair will hear the report. The Chair wanted you to be satisfied about whether you accepted them as evidence, or just accepted them as a brief. That is what I was trying to determine.

Senator MUNDT. Yes, because I raised the question at the time that it was not sworn testimony.

The CHAIRMAN. That is right. I sustained you in it, too.

Senator MUNDT. That is right. I have examined these documents which Mr. Rauh submitted to the committee on March 12, in which he described it as a legal memorandum, plus certain legal papers or copies thereof, in connection with what Mr. Rauh refers to as the stipulations or settlement agreements between the NLRB and the union.

I want to say, Mr. Chairman, that I had no objection to receiving as exhibits in these hearings the legal papers referred to and which I shall describe more precisely in a moment. I shall point out shortly why I do object to receiving the so-called legal memorandum.

First I want to point out exactly what is involved in this whole matter so that we can have it once and for all in one place in these hearings. The union spokesmen have been attempting to create the impression the NLRB has never taken any action against the UAW, whether it be Kohler Local 833 or the international union itself in connection with the union's attempts to establish a boycott at Kohler.

In trying to create this impression, these union spokesmen have either answered my questions erroneously, in my opinion, or have tried to evade and befuddle the entire issue. Proceeding chronologically from March 7, 1958, I was questioning Mr. Mazey, the No. 2 man in the Automobile Workers Union about boycott activities directed by the union against the Kohler Co.

Mr. Mazey insisted that the union's tactics were perfectly legal and lawful, and gave the impression that the NLRB had never taken any legal action against the union, for violating the secondary boycott provisions of the Taft-Hartley Act.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Senator MUNDT. As everybody knows by this time, I believe, an NLRB proceeding in an unfair labor case, including secondary boycott cases, is initiated because somebody filed a charge with the General Counsel of the NLRB, alleging that a certain employer or a certain union has violated the Taft-Hartley.

The General Counsel of the NLRB makes an investigation and if he believes there is prima facie evidence of such a violation, he issues a complaint against the union or the company, whichever happens to appear to be violating the law. In questioning Mr. Mazey, who, as I have said, was giving the impression that no NLRB action had been taken against the union, I asked him this question, appearing on page 1476 of the transcript: [Reading:]

Senator MUNDT. Has the NLRB General Counsel issued a complaint against your present Kohler boycott?

Mr. MAZEY. They have not.

Senator MUNDT. They have not?

Mr. MAZEY. No.

That was on March 7, 1958. On Monday, March 10, 1958, I returned to the matter again by questioning Mr. Mazey as follows, and I now quote from pages 1724, 1725, of the transcript:

Senator MUNDT. Now, you testified on page 1476 in response to my question. I asked you this: Has the NLRB counsel issued a complaint against your present Kohler boycott?

Mr. MAZEY. They have not.

Senator MUNDT. They have not?

Mr. MAZEY. No.

Senator MUNDT. Do you want to let that stand in the record without correction?

Mr. MAZEY. Yes. I don't believe a complaint was issued.

The witness then conferred with his counsel.

Mr. MAZEY. I am advised by our attorney that no complaint was processed by the General Counsel for the NLRB.

Then again on the bottom of page 1725 Mr. Mazey said, and I quote:

I am told that no complaint was issued, Senator.

Then on page 1726, Mr. Mazey said, and I quote him again:

I am advised by my counsel that no complaint was issued.

On the same page, Mr. Rauh said, and I quote him, at page 1726, Mr. Rauh:

I think there was no complaint in the sense that Mr. Mazey used it, a General Counsel complaint. If we are wrong, we will file that, too.

Now, Mr. Chairman, I want to point out that Mr. Mazey was quite wrong. I do not condemn him for this, because he is not a lawyer. But I do wish to point out not only did he receive erroneous counsel from his attorney, but that his attorney at the same time was misleading the members of this committee by what he said in that connection.

I have in my hand here a document turned over to me by Mr. Rauh himself, which is a copy of the complaint issued by the General Counsel of the NLRB on August 23, 1955, in case No. 13 CC 110, alleging that the UAW International Union and the Kohler Local 833, as well as several other unions, violated the provisions of the Taft-Hartley Act by attempting to establish an unlawful boycott against the Kohler Co. by means of certain activities directed against a number of other companies doing business with Kohler, including the Buteyn Construction Co., from whom we have had testimony concerning the clay boat incident at the dock in Sheboygan. For Mr. Rauh's benefit, I might add that there isn't a single word in this complaint about settlements, agreements, stipulations and so forth. It is just an ordinary, regular, typical NLRB complaint, which Mr. Mazey and apparently Mr. Rauh has insisted never had been issued against the union.

But Mr. Rauh, with his wrong interpretation, misled both his client, Mr. Mazey, and this committee. He prevented me, since I am not a lawyer, from making this point at that time, because I had to have adequate counsel and give careful study to the submittals made by Mr. Rauh.

He once more promised, as he had done before, Mr. Rauh once more promised as he had done before, to submit a legal memorandum, and

uttered a few additional statements which tended to further confuse the issue about whether there were stipulations and settlement agreements.

So on Tuesday, March 11, when Mr. Rabinovitz, the lawyer who is in this committee room now, who represented the union in a number of matters, testified under oath, I asked him about the matter of NLRB action against the UAW because of an illegal boycott against Kohler.

I did that under the misapprehension that Mr. Rabinovitz was the lawyer who might have appeared in that case. Mr. Rabinovitz admitted that charges had been filed with NLRB against the union, but stated he was not the attorney who would handle that particular matter for the union.

He said he understood it was handled by attorney Harold Crane-field in Milwaukee. I quote from Mr. Rabinovitz' testimony on pages 1843 and 1846 of the transcript:

Senator MUNDT. Is Mr. Crane-field in the committee room?

Mr. RABINOVITZ. No, sir, he is not here.

Senator MUNDT. Is there any attorney here who has any firsthand information on it?

Mr. RABINOVITZ. I don't think so. I think Mr. Bernstein is probably referring to Mr. Redmond Roache, but I am sure that Redmond Roache was not active in that. It was handled completely by Mr. Crane-field.

Further questioning elicited from Mr. Rabinovitz that Mr. Rauh was not a member of the regular legal staff of the UAW. I wish to point out that Mr. Rauh heard this testimony of Mr. Rabinovitz and made no protest, and I believe that in direct questioning by me stated that he was employed by the UAW for these hearings and is not a member of the regular staff of the UAW counsel.

So inasmuch as this concerned him as well as a matter which he had promised to clear for the committee, I assume he found Mr. Rabinovitz' testimony accurate. He certainly raised no protest against it at the time. At any rate, I again had no opportunity to question anybody representing the UAW, either a lawyer or an official, about the NLRB action against the union, concerning this boycott of Kohler. Consequently, I have spent some time examining the documents that Mr. Rauh submitted the day after the examination of Mr. Rabinovitz, on Wednesday, March 12.

As I have said, they consist of a number of legal documents involved in several NLRB matters connected with the union boycott activities against Kohler, and the document entitled "Memorandum on UAW Consumer Boycott of Kohler Co. Products" submitted by the union's attorney.

I object, Mr. Chairman, to the acceptance of this document called the memorandum in the form submitted for reasons which I shall shortly indicate and which seem to be in complete harmony with the Chair's consistent rulings as he has made them regarding what is testimony, what is evidence, and what is not in these hearings.

First, however, having been unable to get a reply to my questions on this matter, I shall ask them now, and answer them myself on the basis of the legal papers in the NLRB cases which were submitted to the committee by Mr. Rauh himself.

Question 1. Did the General Counsel of the NLRB issue a complaint against the UAW charging an illegal boycott against Kohler?

I have already stated that the answer is "yes," and it is found in the papers submitted by Mr. Rauh.

Question 2. Did the NLRB promulgate a cease and desist order directing local 833 and the International UAW to cease and desist from engaging in secondary boycott activities against a number of companies, including the Buteyn Construction Co.? Did this order require the unions to cease and desist from picketing these companies, or in any other manner "including threats, violence, orders, directions, constructions, or appeals" inducing or encouraging employees of this company to strike or to refuse to handle the products of the Kohler Co. with an object of forcing these companies to cease doing business with Kohler?

Again, the answer is "yes."

I hold in my hand a copy of the Board's order submitted by Mr. Rauh himself as part of the evidence, and as supporting the conclusion that this answer is "yes."

The third question: Did the United States Court of Appeals in the Seventh Circuit, sitting in Chicago, enter a decree enforcing that order?

Mr. Chairman, again the answer is "yes." The decree was put into the record on Wednesday, March 12, it being one of the legal documents submitted by Mr. Rauh as part of the evidence which I think we should accept as an exhibit.

I am quite aware that the NLRB cease and desist order was based on a settlement stipulation in which the union stipulated that it admits to no violation of law and the NLRB agrees that the stipulation shall not be admissible as evidence in other proceedings. I wish merely to point out that despite the stipulation, the NLRB's order and the court's decree, except for the stipulated provisions I have mentioned, are identical with and just as enforceable as an order or decree which results from an NLRB unfair labor practice case involving the usual hearing.

Mr. Chairman, this co-called legal memorandum which Mr. Rauh has submitted and which I have in my hand is not a legal memorandum, but is a statement of fact as well as statements about the law which may or may not be accurate and may or may not be true.

At the end of the statement appear the names of Mr. Rauh and Mr. Redmond H. Roache, Jr., attorneys for UAW.

Not only is this document not sworn to, it is not even signed, the two names appearing merely in type.

It has already been distributed to the press. Hence, if the union wishes to put this statement into the record, or submit it as an exhibit, I ask that we follow the established practice in this committee of having it made a sworn statement, or, if the union prefers, Mr. Rauh or Mr. Roache, or any other attorney designated by the union, should be permitted to testify on this matter under oath.

It seems strange to me, Mr. Chairman, that Mr. Rauh and Mr. Roache permit their names to appear on this statement, hand it in with typewritten names at the bottom of it, despite the fact that they were both in the committee room when I asked if any UAW attorney was present who could answer my question.

If they were competent witnesses when they wrote the mimeographed sheet which was distributed to the press, they must have been competent witnesses at the time I said, "Is there anybody in the com-

mittee room with firsthand knowledge who can stand and be sworn to testify on the subject?"

Neither of them responded at that time. Mr. Rabinovitz in his testimony indicated that Mr. Cranefield, an attorney who was not present, whose name is not signed to this document, was the only lawyer who was qualified to talk about this matter, and that neither Mr. Rauh nor Mr. Roache had any firsthand knowledge of it.

It seems to me that unless one of these attorneys wishes to testify about this matter under oath, we should not accept this mimeographed statement as an exhibit.

The CHAIRMAN. The Chair will refuse to accept any of it until somebody comes in here and swears to something.

Proceed.

Mr. RAUH. Mr. Chairman, may I just respond very briefly? I guarantee I will not take as long as the Senator did to state his position.

Senator MUNDT. May I inquire, Mr. Chairman, whether we are taking evidence now under oath or just getting a self-serving statement by the attorney for the UAW.

The CHAIRMAN. You made a speech. That was not evidence. I am going to grant this attorney a moment to reply and a moment only.

Mr. RAUH. In my moment, sir, first, to explain my position with the union, because Senator Mundt seems to think there is something about it. I am the Washington counsel for the United Automobile Workers.

The CHAIRMAN. All right. Let's stop there. Is that enough?

Mr. RAUH. That was just answering one point that I thought ought to be cleared up since Senator Mundt——

The CHAIRMAN. That is nothing in the world but an argument between counsel and a member of the committee, and it is not evidence.

Senator MUNDT. I beg the chairman's pardon. This deals with some testimony that has been injected into the record. I do not see why the chairman thinks that is strange. This deals with testimony which has been injected into the record. It has been a continuing problem. We have tried to get the facts. We have had sworn testimony by Mr. Mazey. I have asked questions on which the evidence has been refuted. Mr. Rauh has submitted some evidence which in itself points out that Mr. Mazey was wrong. I think we should try to get the facts in this committee.

The CHAIRMAN. I am perfectly willing to stay here until the day after next year to do it.

Senator MUNDT. I will be with you.

The CHAIRMAN. But if we are going to get it, we will get it under oath.

The idea of just throwing the record open to any kind of a statement that anybody wants to make, and then call it evidence, the Chair is not going to go along with.

Make a brief statement and let's move to some evidence.

Mr. RAUH. Mr. Chairman, I couldn't agree with you more. I thought it would be helpful for this committee to have a legal brief, and I submitted one.

The CHAIRMAN. A legal brief is not evidence.

Mr. RAUH. It is all right. Don't put it in the record.

The CHAIRMAN. It is all right for you to offer it for the information of the committee, but it is not evidence. It is nothing but argument.

Mr. RAUH. That is fine. You have no argument with me, sir. I am perfectly happy to have it simply treated as a legal brief and not be in as evidence.

Now, may I just say there are a couple of other things. In the first place, there was a lot made about it not being signed.

The original copy handed to the nice lady who picks these up is signed. I don't know that Senator Mundt by some reason had an unsigned copy, but the original, as I say, was signed.

Senator MUNDT. It was signed by whom?

Mr. RAUH. It was signed by Mr. Roache and myself, who are presenting the memorandum.

Senator MUNDT. Mr. Rabinovitz said that neither you nor Mr. Roache were competent witnesses on this subject; Mr. CRANFIELD was the one.

Your own lawyer disqualified you as the proper signatories for that kind of information, Mr. Rauh.

Mr. RAUH. I have to say that it is hard when I am not allowed to interrupt you simply to have you interrupt me every time the Chairman gives me the floor. I am trying to make a consecutive statement.

The CHAIRMAN. Gentlemen, do you not see where this is nothing but a harangue eternally?

Let's put in evidence if we have it. Your brief is nothing in the world but argument, and just for the information of any member of the committee who might want to read it.

Mr. RAUH. I agree with that, sir. I have been trying to answer some of the statements that were made here, and I am doing my best to do so.

The CHAIRMAN. You have answered two. First, you are the Washington attorney.

Mr. RAUH. Right, for the United Automobile Workers.

The CHAIRMAN. The next one you answered that you had signed the statement that he has a copy of where it is typewritten.

Mr. RAUH. That is correct.

The CHAIRMAN. All right.

Mr. RAUH. The document is a legal brief, but it does attach all of the legal papers. I don't know exactly what it is that Senator Mundt wants sworn to. I can swear, and I don't think there is any problem here, that those documents attached to this brief on their face make clear what they are. In other words, I do not see why there is a dispute about the validity of the documents, and I don't think we even have a problem about putting the documents in.

The CHAIRMAN. All right, then, be sworn.

Mr. RAUH. I have been, but I will do it again.

The CHAIRMAN. Are you sure?

Mr. RAUH. Yes, sir.

The CHAIRMAN. All right.

Mr. RAUH. I was sworn when you asked me if we had taken any pictures in this courtroom.

The CHAIRMAN. You stay under that oath.

TESTIMONY OF JOSEPH L. RAUH, JR.—Resumed

The CHAIRMAN. Present to this committee such documents as you are willing to swear to.

Mr. RAUH. May I please have the documents that Senator Mundt had in his hand?

The CHAIRMAN. Identify them as you do so, and I will make them exhibits.

(The documents were handed to the witness.)

The CHAIRMAN. Mr. Rauh, identify the documents as you examine them, please.

Just a brief identification, so they can be made exhibits.

Mr. RAUH. The first document here is Senator Mundt's speech that he had written out.

I better give that back.

The CHAIRMAN. That is already in the record. Proceed.

Senator MUNDT. You can have that too, if you want to read it and check it.

Senator CURTIS. Can the witness swear to the accuracy of that?

The CHAIRMAN. Gentlemen, let's get along.

Senator CURTIS. I will withdraw the question.

The CHAIRMAN. Pick up a document and tell me what they are.

Mr. RAUH. It will take me a minute or two. They have all been shifted around. Somebody will have to get them in order. Some of these have been taken from some other file, so we will have to separate them. These are not the way we submitted them.

Senator MUNDT. I have been studying them.

Mr. RAUH. They are not all here, sir. Someone must—we had them all marked "A," "A-1"—

The CHAIRMAN. Have you anything there that you can identify to let us get started?

(The witness conferred with his counsel.)

Senator MUNDT. You may be missing your court decree. That was placed in the record yesterday, if that is what you are looking for, the court decree.

Mr. RAUH. Was that taken out of the group that I gave you?

Senator MUNDT. That was placed into the record, yesterday.

Mr. RAUH. With the able assistance of Mr. Roache, I think I have the papers in the order we first submitted them, sir.

The CHAIRMAN. All right. Start with No. 1.

Mr. RAUH. No. 1 is a complaint dated August 23, 1955, before the Labor Relations Board, which is the stipulated complaint. I am testifying under oath. This is what the confusion is about. This was a complaint that was written and agreed to between us and the Labor Board because the stipulation which I am about to introduce as another number is dated the same day.

In other words, there were about five papers issued the same day. They were all agreed to between the union and the Labor Board. This was not a proceeding in the ordinary sense. This was a stipulated, agreed-to proceeding. It was the fact that Mr. Mazey was unaware, as I was, that, as part of the consent agreement, a complaint would be issued that the confusion on the record arose.

I think Senator Mundt will understand me when I say that this was simply a confusion over terms. We said the whole thing was stipulated to. It was. That was correct. It so happened that in this 1 of the 3 cases, the stipulation was all handled by a complaint, an injunction, a stipulation together, all dated August 23. This is the first one, the complaint.

The CHAIRMAN. That will be made exhibit No. 64.

(The document referred to was marked "Exhibit No. 64" for reference and may be found in the files of the select committee.)

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I want to interrogate Mr. Rauh as we go along.

The CHAIRMAN. We have exhibit 64 in the record. Interrogate him about it.

Senator MUNDT. Mr. Rauh, what you have just put into the record, if I am correct, is the complaint issued by the NLRB against the present Kohler boycott?

Mr. RAUH. On August 23, 1955, the date of the stipulation; yes, sir.

Senator MUNDT. Now, I relate that statement to the question that I asked Mr. Mazey. I have told you that I am not trying to get Mr. Mazey involved in any perjury difficulties. I am trying to straighten out the record. I asked him in good faith on March 10, I said "Mr. Mazey, has the NLRB General Counsel issued a complaint against your present Kohler boycott?"

Mr. RAUH answered in three, simple, monosyllabic words, "They have not."

I was shocked at that, because I knew they had. I said "They have not?"

And Mr. Mazey said "No." I wasn't trying to trap him, as I could have, and handed it to the Attorney General and said, "This man is lying."

I said "Mr. Mazey, do you want to let the record stand on that," and he said, "Yes; I don't believe a complaint was issued."

So we are agreed now, are we, that Mr. Mazey's statement was erroneous, when he said they had not, when, as a matter of fact, they had issued the complaint?

Mr. RAUH. It was erroneous, but in context it was not, because you and Mr. Mazey had previously been discussing the question of whether this was stipulated or not, and Mr. Mazey was taking the point it had all been stipulated. You were taking the point there had been a complaint, whereas in fact both were true. It is that which creates the confusion.

Senator MUNDT. We are going to go into the stipulation, I suppose, in a moment.

But there was a complaint issued?

Mr. RAUH. A stipulated complaint: yes, sir.

The CHAIRMAN. That has been made exhibit 64, for reference only.

Mr. RAUH. The next document, Mr. Chairman, is the settlement stipulation. It is dated the same day as the complaint, and is part of the overall settlement of this dispute.

The CHAIRMAN. That may be made exhibit 64-A.

(The document referred to was marked "Exhibit 64-A" for reference, and may be found in the files of the Select Committee.)

Senator MUNDT. At this point, I want to ask Mr. Rauh this question: Is it not true that this order which was issued required the union to cease and desist from picketing these companies or in other manner, including threats, violence, orders, directions, appeals, and so forth, inducing or encouraging employees of these companies to strike or to refuse to handle the products of the Kohler Co.? Is that not true?

Mr. RAUH. Yes; we agreed to that. That is the language of Taft-Hartley. We agreed not to violate it. Yes; that is perfectly true.

Senator MUNDT. I want to straighten out Mr. Mazey's testimony and the confusion on that point. Go to the third item.

Mr. RAUH. I don't think there is confusion on that, Senator.

The next exhibit is a decision and order of the Board dated August 30, 1955, a week later, which is the decision and order resulting from the stipulation between the union and the Board.

The CHAIRMAN. That may be made exhibit 64-B.

(The document referred to was marked "Exhibit 64-B" for reference, and may be found in the files of the Select Committee.)

(The witness conferred with his counsel.)

Mr. RAUH. The next exhibit, Mr. Chairman, is the petition for enforcement of an order of the National Labor Relations Board upon stipulation of the parties for consent decree. This is the petition to the Circuit Court of Appeals. This document carries on its very face and in its heading the fact that it was a stipulated petition.

The CHAIRMAN. That document may be made exhibit 64-C.

(The document referred to was marked "Exhibit 64-C" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any questions?

Senator MUNDT. Not at this moment.

Mr. RAUH. The next document is the decree of the United States Court of Appeals for the Seventh Circuit, which is the stipulated decree agreed to in the second of the documents we are submitting here.

Senator MUNDT. Mr. Chairman?

You are now submitting, I take it, a copy, because the original was admitted in testimony yesterday, unless you sent the copy in yesterday.

I thought you sent the original in yesterday.

Mr. RAUH. I don't know which this is. I would have to look at it.

I guess somebody took the original, then, from our file, and put a copy in place of it. I notice Mr. Bernstein is shaking his head "Yes," so I guess that answers the question.

Senator MUNDT. Do you want to put it in twice, Mr. Chairman?

The CHAIRMAN. Well, let us get it identified. What is the identification of it for yesterday?

We will find out if we should declare that it is one and the same as the exhibit submitted yesterday.

Do you find the one for yesterday?

Present that to the witness, Mrs. Watt.

I present to you exhibit No. 62. State whether that is the same, whether the exhibit placed in the record yesterday is the same as the one you are holding in your hand and which you testified to a moment ago.

(The document was handed to the witness.)

Mr. RAUH. Yes, sir.

The CHAIRMAN. Let the record show at this point, to avoid duplication, that the document the witness has testified to was made exhibit No. 62 on March 12, and that it is now an exhibit in the testimony.

Senator MUNDT. Now, Mr. Rauh, your answer to my third question: Is it not true that the United States Court of Appeals for the Seventh Circuit, sitting in Chicago, entered a decree enforcing that order?

Mr. RAUH. With the consent of the union: yes. A stipulated order, written by the Labor Board and the union together, pointing out that the union should not violate Taft-Hartley, which it had already decided to do.

Senator MUNDT. Which made it a perfectly enforceable order?

Mr. RAUH. It is enforceable. That is the very point we are making. The very fact that we have an order outstanding against us, and we have never had any suggestion of contempt, demonstrates we are complying with the law.

Senator MUNDT. Right, and, of course, that demonstrated the fact that you were in violation of the law, or there wouldn't have had to have been any orders issued in the first place, or any complaints charged in the first place, or all of this legal entanglement in the first place, if somebody hadn't charged you with engaging in illegal picketing.

Mr. RAUH. On the contrary, Senator Mundt, a charge was made by a company, but it is perfectly clear now that we agreed to something we wouldn't have had to.

The decisions of the courts, since the time we agreed to this stipulation, have indicated we were not in violation and, in fact, we wouldn't have had to agree to it. We did agree to it not because we were in violation, but because we have had a simple principle from the first:

In cases of doubt, don't do it.

The Kohler Co. has never suggested we were violating the law.

The Kohler Co. has never suggested it. You are the first ones who have ever suggested this. The Kohler Co. hasn't sued us. They haven't tried to get contempt action.

Senator MUNDT. How about the Buteyn Co.?

Mr. RAUH. Maybe there is a suit I haven't heard about. But I haven't heard about any suit against us.

Senator MUNDT. And the Paper Products Co., whatever it was, in Milwaukee; the paper company in Milwaukee also?

Mr. RAUH. These were complaints to the Board. There was a stipulated injunction, and a stipulated agreement to cease and desist. But I point out to you that under the law as it exists today, which is what I wanted you to understand from your memorandum, the law as it exists today would have supported us if we had decided to fight this order.

Instead, on the principle of it in doubt, don't do it, we didn't fight this proceeding.

(At this point, Senator Goldwater left the hearing room.)

Senator MUNDT. It is pretty hard to figure out what you would have done with a new law or the law as it exists today, as you say, applied to a situation existing then.

The fourth point that I made in my colloquy was that as a consequence of the fact that these charges had been made against you, that

they were filed by the NLRB, that you accepted the stipulated consents, amounted to what would be a plea of *nolo contendere*.

Mr. RAUH. Well, we had that the other day. I am not going to bother to waste time with it.

Senator MUNDT. I was wrapping up this ball of wax for once and for all at one place in the record.

Mr. RAUH. I would like to point out, Senator, that this complaint was filed against several unions. Our union consented to it. A number of the other unions fought it and won.

In other words, the Board ultimately decided in the case of other unions that there had been no violation. So I am quite right, I believe, when I suggest to you that had we decided to fight it, we, too, would have won.

But I think the union was wise in the policy it adopted of "When in doubt, comply."

Senator MUNDT. I think the only relevancy that that observation has is that apparently in the case of the other unions they didn't find them to be specifically involved. Had you gone through with yours, they might or might not have found you specifically involved. Since it wasn't tried out, your guess at a verdict can probably be no better than mine.

Mr. RAUH. No, it is better. Mr. Bernstein is wrong in the advice he just gave you. The point they decided at the Board was that a boycott, where you try to induce railroad or municipal employees not to handle goods is not a violation, because these are not employees within the meaning of the act, and, therefore, the others won their case even though we consented without even trying to win ours.

Senator CURTIS. Senator Mundt, will you yield at that point?

Senator MUNDT. I yield.

Senator CURTIS. What you are saying, Mr. Rauh, is that the Taft-Hartley law prohibits certain acts or pressures with employees in the nature of a boycott, but it does not prohibit directing those acts against management, is that correct?

Mr. RAUH. No, that wasn't the point, sir.

The point I was making—

Senator CURTIS. That is true of the Taft-Hartley law, isn't it?

Mr. RAUH. Yes, but concerning all acts against employees—

Senator CURTIS. I didn't mean that. I meant that certain acts in the nature of a boycott are prohibited from being directed against employees, and, at the same time, a similar prohibition does not exist against management.

Mr. RAUH. Yes, sir.

Senator CURTIS. These cease-and-desist orders are common in a number of actions, labor board, management, antitrust, and a number of other things, aren't they?

Mr. RAUH. Yes, sir.

Senator CURTIS. And oftentimes the purpose is not to assess punishment for any past acts, but to give a directive for future conduct, is that correct?

Mr. RAUH. I would think that that was often true. I don't know that it is always true.

Senator CURTIS. And, for that reason, it is not unusual that there is a consent or stipulated decree prior to the issuance of a cease-and-desist order, is that correct?

Mr. RAUH. Yes, that often happens.

Senator CURTIS. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman, that takes care of the controversy as far as I am concerned, and I think we can let the record speak for itself in conjunction with the testimony of Mr. Mazey.

I ask only, and it will appear in its full context, that where the reference appears on these pages of the transcript, they refer to the printed pages which come back to us, and that they be corrected in the printed copy to refer to the right page in the printed document.

The CHAIRMAN. The reporter will make the necessary corrections to properly identify the place where these things appear in the record.

All right. Are there any further questions?

Mr. RAUH. There are some more documents, I regret to say.

The CHAIRMAN. Let us get those documents in.

Let us get one more document in, if we can.

Mr. RAUH. The next 3 I could give quickly by describing them all as 1. They are a petition for an injunction under the same proceeding—the petition dated August 23—a stipulation to the court agreeing to the injunction the same date, and an order of the court on the injunction the same day. They are all stipulated.

Senator MUNDT. I have no objection to those.

The CHAIRMAN. They will be made exhibit 64, D, E, and F, respectively.

(Documents referred to were marked "Exhibit No. 64, D, E, and F," for reference and may be found in the files of the select committee.)

The CHAIRMAN. Are there any others?

Mr. RAUH. That, sir, relates to one case. That was the first case, the Milwaukee injunction case.

There were two other cases where no complaint was issued and where we did stipulate that we would discontinue. This was picketing in front of a plumbing distributor, and the issue that was involved there is whether that is legal picketing.

At that time, the Board was holding that consumer picketing before a plumbing distributor's house was not valid. Since that time the Second Circuit Court of Appeals has held that it is valid. But nevertheless, despite this, we have, in two instances, stipulated we wouldn't do it, even though the courts of appeals have held that we could.

These two are the stipulations there.

Senator MUNDT. You are talking about the one in Los Angeles County?

Mr. RAUH. That is 1 of the 2. The first one I have here in my own hand is in Jackson, Mich.

Senator MUNDT. I would like to point out that in the Jackson Sink case, as well as the one in Los Angeles, no judicial decree was entered in either of those, and so they have not been in controversy at any time in the hearings.

I have no objection to burdening the front of the table with as many papers as Mr. Rauh wants to dispose of at this time, but they have no bearing on the controversy whatsoever.

Mr. RAUH. If there is no question about the legality there, we gladly withhold them. Thank you.

The CHAIRMAN. We are all settled, then?

Counsel, are there any questions?

Are there any questions of either witness?

All right, both witnesses are excused.

Without objection, we will stand adjourned until 10 o'clock in the morning.

(Whereupon, at 4:20 p. m., the committee recessed to reconvene at 10 a. m., Friday, March 14, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, MARCH 14, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:15 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were Senators McClellan, Mundt, and Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Heimke.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HEIMKE. I do.

TESTIMONY OF STEEN W. HEIMKE

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. HEIMKE. My name is Steen W. Heimke, S-t-e-e-n W. H-e-i-m-k-e. I live at 1932 North Ninth Street, Sheboygan, Wis., and I am the chief of police of the city of Sheboygan, Wis.

The CHAIRMAN. You have counsel, or do you waive counsel?

Mr. HEIMKE. I waive counsel.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. It might be well if we had Mr. Oakley Franks, who is also in the police department, at the same time.

The CHAIRMAN. Will you be sworn, Mr. Franks?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRANKS. I do.

TESTIMONY OF OAKLEY FRANKS

The CHAIRMAN. State your name and your residence and your business or occupation.

Mr. FRANKS. My name is Oakley Franks, and I live at 522 Superior Avenue, Sheboygan, Wis., and I am captain of the Sheboygan Police Department.

The CHAIRMAN. Do you waive counsel, Mr. Franks?

Mr. FRANKS. Yes; I do.

Mr. KENNEDY. You have been chief of police for how long, Mr. Heimke?

Mr. HEIMKE. I became chief of police of the city of Sheboygan, October 1, 1955.

Mr. KENNEDY. And, prior to that, you held what position?

Mr. HEIMKE. I was captain of police.

Mr. KENNEDY. And you had the position of captain for how long?

Mr. HEIMKE. Approximately 6 years; 5 or 6 years.

Mr. KENNEDY. While you were captain of police, who was the chief?

Mr. HEIMKE. Walter H. Wagner.

Mr. KENNEDY. So, you were captain or chief of police during the period of the strike. You were captain of police for about half the time, and chief of police for the rest of the time?

Mr. HEIMKE. During the strike, I was either captain of police or chief of police.

Mr. KENNEDY. And you worked on these various acts of vandalism that occurred in the city of Sheboygan?

Mr. HEIMKE. I worked on the acts, and assigned the investigations to other officers.

Mr. KENNEDY. And you were also present during, or had something to do with, the so-called clay-boat incident?

Mr. HEIMKE. Yes; I was.

Mr. KENNEDY. You were down there on the docks?

Mr. HEIMKE. For the latter part of the incident.

Mr. KENNEDY. You did not go down until about 2 o'clock?

Mr. HEIMKE. Not until I was notified at 2:20.

Mr. KENNEDY. Would you explain your contact that you had with that incident?

Mr. HEIMKE. On July 5, I was working in the backyard when I received a telephone call from the office to report to the chief at 2:20 p. m.

I went down just as I was, because they said it was urgent. When I got there, they told me that the chief wanted to see me.

Mr. KENNEDY. Go ahead, and just relate what happened.

Mr. HEIMKE. I went in to see the chief, and he said, "Have you heard what has happened?" and I said, "No; I have been outside working in the backyard." He said, "Well, you had better go down to the dock and see what has to be done."

So, I went down to the dock, and I was surprised to see what I considered a mob down there out of control. After I appraised the situation in my own mind, I decided what had to be done, and I went back to report to the chief.

The chief said, "Well, you had better go up and see the mayor in his office. He is in charge." At that time I went up to the mayor's office, who at that time was Mayor Rudolph Ploetz, and he asked me how the situation was down there. I told him it was out of control.

He said, "What has to be done?" I told him the first thing we have to do is get the equipment out of the middle of the road, because that is the center of attraction and the item that is holding the mob intact. I told him he should get in touch with the Buteyn brothers, who, I thought at that time, had control of the equipment; at which time he did call the Buteyns.

Mr. KENNEDY. Go ahead, just relate what happened, and what you did about it.

Mr. HEIMKE. I don't know what the conversation was, but apparently the mayor had made some arrangements with the Buteyns to come down and get the equipment out of there.

In the meantime, the mayor called Sheriff Mosch and told him to meet him down at Fifth and Pennsylvania Avenue, which is about three-quarters of a block from the mob area. When we got down there, the mayor and the sheriff, Sheriff Mosch, were in conversation.

I wandered away from the area, and as I came back to the conversation between the mayor and the sheriff, I approached them from the rear, and I got 2 feet away, and I heard the mayor say to the sheriff, "How much are you obligated to the union for?" And the sheriff turned around, and he was going to say something when he saw me, and he stuttered and stammered, and he said, "Let us go someplace where we can talk."

So they crawled into the sheriff's car which was parked in the middle of the intersection and turned all of the windows shut, and they proceeded to engage in conversation. And so I rapped on the driver's window, and they opened it up, and I said, "What do you want me to do?" after which they said, "We'll, come back in a couple of minutes," and they drove a block and a half away and they parked and they came back.

I still received no instructions from the mayor, and then I suggested that we get a sound truck. The only sound truck available in the town at that time was a very fine ice cream sound truck which we were able to prevail upon them to bring down there.

In the meantime, while we were waiting for the sound truck, I went home and changed clothes into a uniform. I gave the few officers that were on the scene additional uniformed men to cope with the crowd.

By the time I got there in uniform it was about 3 o'clock, and the entire area was out of control, and I don't see how we could have gotten it back into control again. We were lucky that we could keep the lid on the situation without getting any worse.

In the meantime, I had instructed that a tire company come down and try to put air into the tires with a small compressor. They got down there and they couldn't accomplish their purpose, because the tires had been punctured. But before we could get the little truck with the air compressor on it out of the area, there were two flat tires on that vehicle.

We didn't have enough officers down there to cope with or protect any equipment that was brought into the area to help us get the other equipment out.

The CHAIRMAN. Was anyone deputized to help the police?

Mr. HEIMKE. No; the sheriff was there, and after all the sheriff is the chief law-enforcement officer of the county and he was the only one there, and none of his men showed up, and there were no other deputized individuals except a few officers that had been assigned to the area in the early morning, and that amounted to approximately 4 or 5 officers.

The CHAIRMAN. Was this within your jurisdiction?

Mr. HEIMKE. That is right.

The CHAIRMAN. It was within your jurisdiction?

Mr. HEIMKE. Within the city of Sheboygan, and it comes under the jurisdiction of the police department, although in an emergency situation the sheriff becomes the chief law-enforcement officer of the county.

The CHAIRMAN. In other words, he was superior to the local police officials?

Mr. HEIMKE. That is right.

The CHAIRMAN. And it was his duty to act in the situation?

Mr. HEIMKE. That is right.

The CHAIRMAN. He did not act, and deputized no one, and neither did he make any serious effort to take care of the situation?

Mr. HEIMKE. That is right.

The CHAIRMAN. So he just fell down on his duty?

Mr. HEIMKE. Well, I didn't see him after that.

The CHAIRMAN. At least while he was there he was doing nothing to try to correct the situation or get it under control?

Mr. HEIMKE. That is right.

The CHAIRMAN. All right.

Senator CURTIS. May I inquire. At the time you were under the supervision of the chief of police, were you not?

Mr. HEIMKE. I was the immediate subordinate to Chief Walter H. Wagner.

Senator CURTIS. When Chief Wagner called you, he instructed you to contact the mayor and get your further instructions from him?

Mr. HEIMKE. That is right, and he told me the mayor was in charge.

Senator CURTIS. And you reported to the mayor but got no plan of action from him?

Mr. HEIMKE. I got no instructions whatever.

Mr. KENNEDY. What did you suggest doing?

Mr. HEIMKE. The one item that was holding the crowd together and which the crowd was centering their attention on was this large tractor trailer and crane which was in the middle of the intersection at Fourth and Pennsylvania Avenue, which was approximately 100 feet west of the entrance to the dock. It was diagonally across the street.

Mr. KENNEDY. What did you suggest doing to disperse the crowd?

Mr. HEIMKE. I suggested that we get a loudspeaker down there, and appeal to the crowd. When we did get the loudspeaker down there, I had an opportunity to see several individuals who I thought could disperse the crowd, and one was Allan Grasskamp. I went to talk to him and told him, and I said, "I am going to get a loudspeaker

down here. Would you appeal to the crowd to go home, so that we can clear up this situation before somebody gets hurt?"

And he said, "I have nothing to do with this crowd and I don't know who they are, and I have nothing to say. I don't know who they are, and I am not responsible for these people."

I said, "Well, I know who they are." I said, "Everybody that I have talked to and seen in the area has a Kohler striker button on. They are identified as UAW-CIO 833."

Mr. KENNEDY. Everybody down there was a Kohler striker?

Mr. HEIMKE. There were quite a few buttons that were visible.

Mr. KENNEDY. You said that everybody that you saw had a Kohler striker button. Did everybody down there have one?

Mr. HEIMKE. I think that quite a few of them did.

Mr. KENNEDY. Were there any women down there?

Mr. HEIMKE. There were women down there and a few children.

Mr. KENNEDY. Did the children have Kohler striker buttons?

Mr. HEIMKE. Not that I noticed. They were lost in the crowd.

Mr. KENNEDY. Did you suggest anything else other than getting or trying to get the crane out of there?

Mr. HEIMKE. While we were still waiting for the loudspeaker truck to move into the area, I saw Don Rand, and I asked him to appeal to the crowd because I thought that most of them were strikers from the Kohler Co., from facial recognition. He refused to assist me in any way in talking over the PA system.

Senator CURTIS. Now, this Grasskamp, he is the man that was president of the local union?

Mr. HEIMKE. President of 833; that is right.

Senator CURTIS. And when you asked him to assist in dispersing the crowd, he told you in effect that he did not know who they were, and he had no responsibility.

Mr. HEIMKE. That is right, sir.

Senator CURTIS. In reply, you pointed out to him the fact that great numbers of them were wearing the 833 button, as well as the fact that you recognized many of them as being strikers.

Mr. HEIMKE. That is correct.

Senator CURTIS. Now, the Rand that you mentioned, is that Donald Rand who was an official in the UAW-CIO?

Mr. HEIMKE. He has been identified to me as the international representative of the UAW-CIO.

Senator CURTIS. And he refused to assist in dispersing the crowd?

Mr. HEIMKE. That is correct.

Senator CURTIS. You specifically asked both of them?

Mr. HEIMKE. I did.

Senator CURTIS. That is all.

Mr. KENNEDY. So the crowd was not dispersed?

Mr. HEIMKE. No; in fact, the crowd kept getting bigger.

Mr. KENNEDY. What did you do or what did you suggest be done? Let us move along.

Mr. HEIMKE. Some action is better than no action, and so I suggested to the mayor that we probably would get the fire department down there to clear the area with fire hoses, so that we could get to work on this equipment and move it out of the area.

Mr. KENNEDY. You wanted to use fire hoses on the people?

Mr. HEIMKE. That is right.

Mr. KENNEDY. That is what you suggested?

Mr. HEIMKE. That was vetoed.

(At this point, Senator Ervin entered the hearing room.)

Mr. KENNEDY. The mayor was not in favor of that?

Mr. HEIMKE. No; he was not in favor of that.

Mr. KENNEDY. Were there people that were acting improperly down there?

Mr. HEIMKE. Well, there was a lot of pushing and shoving. I centered myself around the big tractor-trailer crane because that is where the activity was. I took quite a beating there that afternoon. While in uniform, I had my hat knocked off, I was pushed in the back and in the kidneys, and I turned around and you could not see who did it, and I turned around to find out who was responsible, and I would get punched from the other side.

I took quite a bit of shoving because we just did not have enough personnel.

Senator CURTIS. If I may interrupt at that point, you have lived in that community for some time?

Mr. HEIMKE. I have lived there all of my life.

Senator CURTIS. How long have you been connected with the police force?

Mr. HEIMKE. I have been in law enforcement for 20 years, and I consider myself a career police officer, and my father was a police officer before me for 30 years, and I am dedicated to law enforcement.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, and Curtis.)

Senator CURTIS. But so far as acquaintance is concerned, you have lived there all your life; you have attended school there, and you know a good many people?

Mr. HEIMKE. That is right.

Senator CURTIS. In this crowd that was where you were telling about, where you took a considerable beating, where you would turn one way and get hit, and you would turn around and you couldn't see who hit you, but you would be hit from the other side—in that crowd of people, did you recognize any of the Kohler strikers?

I am not asking for their names necessarily, but did you recognize Kohler strikers?

Mr. HEIMKE. Yes; I did.

Senator CURTIS. Would you say that of those that were close enough to you to take part in this melee, the majority of them were the Kohler strikers?

Mr. HEIMKE. I would say immediately in the center, the core of the activity, the majority of them were Kohler strikers. On the outskirts, the fringe areas, there were a lot of spectators.

Senator CURTIS. In this core, where the participants were, did you recognize any of the nonstrikers?

Mr. HEIMKE. I don't believe I did.

Senator CURTIS. Did you recognize any official or individual of the management of Kohler in the center of this melee, where the pushing and shoving was going on, and where you took some abuse?

Mr. HEIMKE. No, I didn't see anybody from Kohler there. None of the officials of the company.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. There were acts of vandalism that were committed during the period of time that you were captain of police and also chief of police?

Mr. HEIMKE. Well, my first experience was also at the dock incident, where that lasted into the late hours of the evening. We could hear windows being broken across the street from the area in which the crane was located. We appraised the damage in the morning. We found that all the windows were broken in the two houses immediately across the street from where the crane had been disabled. During the course of the evening, there was a car parked there which belonged to a Kohler worker in that block. It was the only car in that block. We were able to remove all the other cars from the area and save them from possible damage, but we could not locate this owner.

Subsequently, the windows on the car were broken, rocks were thrown against this car, and eventually the car was overturned. We could do nothing about that.

When we finally did get the crane out of there, with the help of the Sheboygan County highway department—they were the only ones in town that would come forward and move this equipment—then we opened the entire area to traffic again, figuring that the flow of traffic through there would help disperse the crowd.

From time to time reports came back to us that Don Rand was breaking windows of passing automobiles with brass knuckles.

Mr. KENNEDY. Who told you that?

Mr. HEIMKE. Unidentified people that came running up to me to report it. I was a block away from the area in which this was happening. When I got down there, I couldn't find anybody down there that could give me any information.

Mr. KENNEDY. Somebody come up to you and told you Don Rand was breaking windows?

Mr. HEIMKE. That is right. In fact, I got that from three various sources during the course of the evening.

Mr. KENNEDY. Who were they?

Mr. HEIMKE. I imagine they were friends of law enforcement.

Mr. KENNEDY. Yes, but who were they? What were their names?

Mr. HEIMKE. I don't know who they were.

Mr. KENNEDY. If somebody comes in and makes a complaint, and it is certainly a criminal act to break a window, did you arrest Don Rand then?

Mr. HEIMKE. I couldn't find him.

Mr. KENNEDY. Did you arrest him the next day?

Mr. HEIMKE. In the middle of the crowd, it is rather difficult when somebody comes up and tells you something to get out a pencil and paper, when you are trying to protect yourself.

Mr. KENNEDY. You had three people who came up and told you about Donald Rand's breaking windows. Did you make any arrest there that day?

Did you make any arrest?

Mr. HEIMKE. No, we didn't.

Mr. KENNEDY. You didn't make one arrest?

Mr. HEIMKE. We didn't make any arrest.

Mr. KENNEDY. And somebody told you that Don Rand was going around with brass knuckles, breaking windows, and you didn't arrest him?

Mr. HEIMKE. Well, at the time, the incident didn't mean much to me.

Mr. KENNEDY. Doesn't it mean something to you for a union official going around breaking windows with brass knuckles?

Mr. HEIMKE. Well, you have to have proof before you can arrest him.

Mr. KENNEDY. You said three people came up to you and reported this to you.

Mr. HEIMKE. From time to time.

Mr. KENNEDY. Did you get their names and use them as witnesses to Donald Rand breaking windows?

Mr. HEIMKE. No. Because right after that, after I received one of the complaints, I heard a commotion on Fourth Street and the entire crowd started surging north on Fourth Street, and they said, "There goes a scab. Let's get him." So I broke away from the crowd and I ran as fast as I could to the head of the crowd, and here I saw one man walking about 15 feet in front of this mob, and I got ahead of him and saw that the entire front of his face was bloody and it looked as though his nose had been smashed. At that time, my only concern was to get him out of the area.

Mr. KENNEDY. Going back, you had three separate people coming to tell you about Donald Rand. The only reason I make such a point of this is that you told me down in the office that Mr. Zimmerman had told you that Donald Rand was breaking windows with brass knuckles. I then interviewed Mr. Zimmerman, and he said he told you no such thing.

Now you say three people whose names you don't know—here is Donald Rand, that a lot of people felt was responsible for the violence down there, and responsible for some of the vandalism, and responsible for the mass picketing. You had three witnesses, or people that you said told you about Donald Rand breaking windows, and you made no arrest and made no attempt even to get their names.

And yet, as I understand your testimony, you blame this situation on the fact that the chief of police and the mayor got in a car and had a conference and appeared to be friendly to the union. It just doesn't make any sense, Captain Heimke.

Mr. HEIMKE. Well, there were so many diversionary tactics there, and after I saw that this individual, who I learned later to be a Mr. Grunewald was taken in tow by another unknown person who took him to the clinic, they took after the other party who was trying to help him, and he was running for his car, which was parked on the armory lot. I did everything possible to try to hold the crowd back. I threatened them that anybody laying a hand on this man would be arrested.

But I was only one officer in a group of about two or three hundred people who were surging forward after this injured man and the man who was trying to help him. All during the course of the time that I was down there, there were diversionary tactics trying to keep us busy and occupied and away from the scene of anything that was taking place.

Mr. KENNEDY. So you said in answer to Senator Curtis that you recognized the people that were down there and people that were surging around and causing this trouble.

I am surprised that you didn't arrest any of them, if this is all correct.

Mr. HEIMKE. I did try to take somebody out of the area.

Mr. KENNEDY. Did you arrest them? You could arrest them the following day or that night.

Mr. HEIMKE. We could, but we still have to take them to court and prove a case.

Mr. KENNEDY. But did you arrest them?

Mr. HEIMKE. We made no arrests at the scene.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. Were you in charge, or were you still under the instructions to report to the mayor and do what he said?

Mr. HEIMKE. Chief Wagner told me that the mayor was in charge, so I looked to him for orders.

Senator CURTIS. Did any of your superiors ever follow up on subsequent days with investigations leading to an arrest?

Mr. HEIMKE. We are still working on those cases, even at this late date.

Senator CURTIS. Yes; but I mean at that time, the mayor or your chief, did they follow through immediately?

Mr. HEIMKE. Not to my knowledge.

Senator CURTIS. Not to your knowledge.

Did you have a feeling when you were down there that you were free to take charge of the situation and follow through on subsequent investigations, or that it was a situation where you were expected to adhere to the instructions of your superiors?

Mr. HEIMKE. Well, Wisconsin statutes provide that the mayor is the statutory head of the police department, and seeing as how my instructions were that he was in charge, I looked to him for orders. After we got the sound truck down into the area, we moved it as close as we possibly could, and because I was the ranking police officer on the scene, I took the mike, and I appealed to the crowd to move back and give us an opportunity to get the crane out of the car.

Senator CURTIS. Did you ever get any direct help from either the chief or the mayor down there, that day?

Mr. HEIMKE. No.

Senator CURTIS. You did not. Well, now, who was the sheriff at that time?

Mr. HEIMKE. Theodore Mosch.

Senator CURTIS. He has appeared here as a witness and it was developed that the UAW-CIO was instrumental in his election. Do you know whether or not the mayor was supported by the union?

Mr. HEIMKE. It is general knowledge throughout Sheboygan that he gained his election through the support of labor.

(At this point, Senator Goldwater entered the hearing room.)

Senator CURTIS. In this conflict as to what happened and who said what, which was mentioned by the chief counsel with regard to reports that Grasskamp was breaking windows, do you have—

Mr. KENNEDY. Rand.

Senator CURTIS. Rand was breaking windows—Do you have anything further on it that you want to say on that?

Mr. HEIMKE. No; I don't; except that we received an anonymous call at one time that said "Whenever Don Rand wears gloves, watch out because he has his brass knuckles under the gloves."

I don't know who made the call, but we had our informants.

Senator CURTIS. I mean as to the conflict of where you got your report that Mr. Kennedy was referring to. Do you have anything further you wish to say on that?

Mr. HEIMKE. No; I don't, because I did not take the names of the individuals. It was impossible for me to take the names at that time.

Senator CURTIS. I called Mr. Rand's attention to the fact the other day that in the picture that was taken almost on the first of June he had his gloves on, and he remarked it was chilly.

About how large was that crowd?

Mr. HEIMKE. When I was there about 2:30 or 20 to 3, I would estimate that there were probably 1,500 people there.

That swelled——

Senator CURTIS. Would you say that half of them may have been spectators?

Mr. HEIMKE. I would say about half, probably, were either sympathizers or just disinterested spectators.

Senator CURTIS. And the other half were people that, in varying degrees, created problems for the police, either in stopping them doing what they were doing, or at least getting them to go home, is that right?

Mr. HEIMKE. That is right.

Senator CURTIS. How many officers were assigned to that area?

Mr. HEIMKE. When I got down there at 2:30, there were 4 officers, I believe, 4 or 5.

Senator CURTIS. Four or five to deal with possibly somewhere between 600 and 700 people?

Mr. HEIMKE. That is right. And that crowd kept swelling and swelling until late in the afternoon I would estimate that there were between 2,000 and 3,000 people there.

Senator CURTIS. The testimony is that the union had all of their men down there, their international representatives, these other people that they have brought in from other locals and so on, that they kept in the area. The testimony is that during the day they were all down there. Of course, I know that they deny that they had anything to do with it. I think that is an issue that the Justice Department is going to have to deal with.

How many complaints, and I am talking about not this clay boat incident alone, and offenses did you receive that were strike connected.

Mr. HEIMKE. Our department has on file 930 complaints which are strike connected.

Senator CURTIS. Are they of various kinds?

Mr. HEIMKE. Various kinds.

Senator CURTIS. What would some of them be that occurred quite frequently? What type of offense?

Mr. HEIMKE. Well, there were cars painted, debris thrown on homes and cars; there were threatening letters, there was picketing of the workers' homes, air let out of tires, houses or garages smeared with human dung; there were phony deliveries to the homes, there was name calling, threats, malicious damage, nails, tacks and glass thrown in the street, sugar, water and salt placed in gas tanks. One time there was a cross burned in a backyard.

Senator CURTIS. In connection with most of these complaints, did the complainant identify the offender?

Mr. HEIMKE. Did the complainant identify the defendant?

Senator CURTIS. Yes.

Mr. HEIMKE. No, they didn't. They just reported it as an incident.

Senator CURTIS. And they wouldn't know who had done it?

Mr. HEIMKE. In some of the cases, wherever there was an identity made, then we were able to proceed. But most of the time—for instance, on the paint bombing of homes and the acid thrown at automobiles, and the shotgun blasts into homes, it was all done under the cover of darkness, where there were no witnesses.

That in police and law enforcement is one of the most difficult crimes to clear up.

Senator CURTIS. To your knowledge, were the homes of any strikers blasted with shotguns?

Mr. HEIMKE. No strikers' homes were damaged by gunfire.

Senator CURTIS. Were there any strikers' homes where the windows were broken and paint bombs or other offensive articles were thrown into the homes?

Mr. HEIMKE. I recall one incident in particular, the home of Allen Grasskamp. There was something thrown against his house. He claimed that he saw the man standing out in front with his arm raised ready to throw an object, and our investigation developed that he could give us no information, no description as to who it was.

Senator CURTIS. Were the vast majority of homes that were damaged or molested, the homes of the nonstrikers?

Mr. HEIMKE. That is right. Most of the homes were workers at the Kohler Co.

Senator CURTIS. Do you have any figures on that, on those 900 complaints, or 930 complaints?

Mr. HEIMKE. There were 43 houses that were paint bombed, either with 200 watt bulbs that were filled with a diluted paint, or in which the windows were broken with a mason jar full of this paint.

Senator MUNDT. On that paint, I think the significant thing is not the number of homes, so much, but what percentage of homes or how many homes were the homes of strikers, how many were nonstrikers, how many were just ordinary citizens living in Sheboygan who may not have been involved directly in this conflict either way.

Do your records show that, of the 43 homes, how many were nonstrikers, how many were strikers, and how many you could not identify as being on either side of this?

Mr. HEIMKE. We have two workers, two strikers, rather, two strikers' homes which were damaged by paint, and 41 were workers.

Senator MUNDT. 41 were nonstrikers and 2 were strikers?

Mr. HEIMKE. That is right.

Senator MUNDT. Thank you.

As a police officer and a graduate of the FBI Academy, would that indicate anything to you, if, out of 43 acts of violence, 41 of them were against nonstrikers and 2 of them against strikers? Would you draw any conclusion from that, on the basis of your profession or not?

Mr. HEIMKE. Well, we entered this with an open mind, not knowing who to hold responsible for the acts of vandalism. We investigated all possibilities. But as the strike progressed, it became more and more apparent that all the offenses were against the workers, which led to

only one conclusion, that we had to suspect that it was the union who was after the workers trying to keep them from working.

Mr. KENNEDY. Of course, couldn't it have been the people who were on strike? You say the union. It could have been those who were on strike who were against those who went back to work, just as easily.

Mr. HEIMKE. I probably did use the wrong word. I should have said strikers.

Mr. KENNEDY. Where did you get the figure of 900 from? What period of time is that?

Mr. HEIMKE. These are the 930 complaints that are on file in the Sheboygan Police Department.

Mr. KENNEDY. For what period?

Mr. HEIMKE. From the first day of the strike until we were subpoenaed, here.

Mr. KENNEDY. Until when?

Mr. HEIMKE. Until we were subpoenaed to this hearing.

Mr. KENNEDY. Is this list here "The Kohler Co. strikers' complaints", is that a complete list?

Mr. HEIMKE. That is not a complete list, because my subpoena did not ask for the complete information.

Mr. KENNEDY. That is all right. But this is not the complete list?

Mr. HEIMKE. That is not the complete list.

Senator CURTIS. What did the subpoena ask for?

Mr. HEIMKE. The subpoena, section C, said to produce a list of all complaints by month and year made to the Sheboygan Police Department by Kohler Co. nonstrikers in the years 1954 to date.

Mr. KENNEDY. 1954 to date?

Mr. HEIMKE. 1954 to date, to the present time.

Mr. KENNEDY. Wouldn't that include the list that you have there?

Mr. HEIMKE. No. You only asked for the nonstriker complaints. We have 572 complaints which were filed by the Kohler workers, 58 that were filed by the strikers, and there were 300 complaints filed with the Sheboygan Police Department from a third or disinterested party who was a witness to incidents involving strikers and workers.

Mr. KENNEDY. I don't understand that. What is that 300 figure?

Mr. HEIMKE. 300 complaints were filed with the Sheboygan Police Department by a third party not involved as a striker or as a worker. They were disinterested people, third party people, who were not connected in either way on either side, but who either witnessed or were a part of an incident involving strikers and workers.

Mr. KENNEDY. What do you mean were a witness? What do you mean by that?

Mr. HEIMKE. Well, in Sheboygan, the strike built up a feeling of fear in Sheboygan, fear—fear of being retaliated against, fear of having their homes bombed, fear for their families. When you have a town covered by fear, you can't get people to complain to the police department or give them information.

Mr. KENNEDY. I am just trying to find out what the 300 figure is.

Mr. HEIMKE. Well, 300 people who were disinterested individuals, third party people, not strikers or workers.

Mr. KENNEDY. How do you know it had anything to do with the Kohler strike?

Mr. HEIMKE. Because our investigation showed that the parties involved in the complaint were either Kohler workers or strikers, or combinations of both.

Mr. KENNEDY. I thought you said that was the 500 figure. What is the 300 figure?

Mr. HEIMKE. That's what I just told you about.

Mr. KENNEDY. But where is the 300? If it is not strikers or non-strikers, what does it have to do with the Kohler strike?

Mr. HEIMKE. I was telling you about the fear that existed in the town.

Mr. KENNEDY. Answer my question.

Mr. HEIMKE. I will get to that right now. Just as one incident, there was a Mercury car salesman sitting at a bar in Sheboygan, trying to sell a worker an automobile when a striker came up to the salesman and said, "Do you know who you are talking to?" And the salesman says, "It doesn't make any difference."

The striker says, "You better watch out who you are talking to. Don't try to sell him an automobile," after which he punched the worker in the back as he was sitting at the bar, and then walked out. The salesman said to the worker, "Aren't you going to report this to the police?" And the worker says, "No, let's just forget about it."

So the salesman came to the police department to report it. We contacted the man and he said, "I don't want to have anything to do with it. I don't want to report it. I don't want to have any police interference."

That is what I mean by a third party, a disinterested party, not involved in the strike in any way.

Senator MUNDT. In other words, you are trying to tell us, apparently, that the fear of the union was so great, or of the strikers was so great, that even when a nonstriker was hurt or attacked, and a witness saw him and reported it to you, when you went to the man who had been injured, he was afraid to swear out a warrant and, consequently, you could not make an arrest; is that what you are saying?

Mr. HEIMKE. That is right. The fear that had been built up in the community prevented the people from coming in to file complaints with the police department.

Senator MUNDT. And there were 300 cases of that general type, where a witness would come in and tell you about an altercation, you would make an investigation, you would go to the fellow who had been hurt, ask him to make out a warrant, and he would say, "Just go away and forget about it. I have enough trouble. I don't want any more trouble."

Mr. HEIMKE. That is right. As time went on, it kept getting worse. In law enforcement, you have to depend upon the public for a successful operation of a police department. There are only two places in which you can operate, and that is getting information from people or from a scientific source; 99 percent of police work is contacting people for information. If they give you no information, your hands are tied. You cannot operate.

Senator MUNDT. In that connection, I would like to ask you this question. Considerable emphasis was made a little while ago in the questioning about the fact that you did not arrest Donald Rand on

the basis of the three complaints made against him by folks whose names you did not know, alleging that he had been striking windows and breaking them. I would like to find out something about that situation. As I understand it, these reports were made to you by people during the course of this melee or riot or incident, whatever you want to call it, down at the clay-boat dock. Three different people ran up and said, "You better do something about Donald Rand. He is striking windows and breaking them." Is that right?

Mr. HEIMKE. That is right.

Senator MUNDT. And because you were busy trying to defend yourself, or defend others, or whatever you were busy doing, trying to maintain some semblance of order, you were unable to get out your pencil and paper, you say, and say to these fellows, "Who are you, and what did you see him do, and will you swear out a warrant"; is that the idea?

Mr. HEIMKE. That is right. Our first concern was the protection of the people that were there.

Senator MUNDT. Then the counsel emphasized did you arrest Donald Rand the next day, and he emphasized that question many times.

I want to find out why you didn't arrest him the next day. Out our way it may be a little different than in Wisconsin. Even a police officer can't go around willy-nilly arresting people without some evidence. Out in South Dakota, we respect the police, but we don't give them authority to go around and arrest people on suspicion or on unidentified rumor. You either have to see somebody breaking the law or you have to have somebody swear out a warrant or a citizen would stand immune from arrest by a police officer.

You just can't go in and arrest somebody if you don't like him. It may be different in Wisconsin, but I would like to know why it was that you didn't arrest him the next day.

Mr. HEIMKE. For the very reason that you just stated, we don't go around promiscuously picking up people, unless we have a sufficient amount of evidence to pick them up.

Senator MUNDT. That has to be either a warrant sworn out by somebody or some firsthand information that the police had, to develop scientifically, or, preferably, if you catch somebody in the act of breaking the law, you don't need to have a warrant.

Mr. HEIMKE. That is right.

Senator MUNDT. We have some statutes in the book on false arrest because we do not believe that the policemen are beyond making mistakes either. To protect a private citizen from capricious arrest, there are some rules for the police to follow in making arrests.

I do not know whether that is true in Wisconsin or not. So much emphasis has been placed on the fact that you didn't arrest him the next day.

I think we ought to find out why you didn't arrest him the next day.

Mr. HEIMKE. Our primary concern is with the protection of the individual's rights, regardless of who he is. We only pick them up when we have a sufficient amount of evidence to proceed.

Senator MUNDT. That would have to be a warrant in a case like this, I suppose, or some scientific evidence leading to the fellow, or something specific. You cannot go and arrest somebody and protect yourself against a false arrest charge.

Mr. HEIMKE. Or the arresting officer having seen it.

Senator MUNDT. Yes. You have me confused about the number of complaints. You said the subpoena didn't call for something.

What did the subpoena fail to call for? We wanted the subpoena to be complete. I think it was complete, but if you do not think it was complete, what is it that you didn't bring because the subpoena in your opinion was inadequate or incomplete?

Mr. HEIMKE. I brought everything pertaining to the Kohler strike. Last July when the Senate investigators came to Sheboygan, we made all of our records available to them. They worked day and night going through these complaints and everything else that we had.

Senator MUNDT. Let me ask you this question: Regardless of what the subpoenas did or did not call for you, you brought with you everything that you thought was pertinent?

Mr. HEIMKE. That is right.

Senator MUNDT. Now, that is out of the way. I would like to recapitulate—

The CHAIRMAN. Can you make those available now as an exhibit to the committee?

Mr. HEIMKE. These are the actual complaints of the police department, which are still active, which we are still working on. They are the originals.

The CHAIRMAN. They are the originals? I was going to ask you, if you could make them available for file. But if you cannot, that is all right.

Mr. KENNEDY. Do you have 300 more, in addition to these figures that you gave us here?

Mr. HEIMKE. That is right; 300 more.

Mr. KENNEDY. And you say that they are all connected with the strike?

Mr. HEIMKE. That is right.

Mr. KENNEDY. And you say they are act of vandalism?

Mr. HEIMKE. No. They are strike-connected complaints.

Mr. KENNEDY. When you talk about the 900 acts, are they acts of vandalism?

Mr. HEIMKE. No. Not all of them are acts of vandalism.

Mr. KENNEDY. How many of the 900 acts are acts of vandalism?

Mr. HEIMKE. In our opinion, taking in the houses and garages that were painted, houses that were paint-bombed, windows broken, car tires damaged, car windows broken, cars damaged in other ways, air let out of tires, shotgun blasts through the door, car overturned, car dynamiting, and explosions, sugar, water, or salt in the gas tank, nails, tacks, or glass in the road, cars set on fire, that is a total of—

Senator MUNDT. I yielded to the chairman to ask you a question and I had the floor at the time. I was trying to establish—I don't want you to read all 300 different acts, but I am trying to put together—

The CHAIRMAN. Just a moment. Wouldn't you let him finish the acts of vandalism?

Senator MUNDT. If he is going to read all 300 of them—

The CHAIRMAN. No; he is telling you the different kinds of acts of vandalism and give you the total.

Senator MUNDT. O. K.

Mr. HEIMKE. In our opinion there are 349 actual acts of vandalism.

Mr. KENNEDY. Does that include strikers and nonstrikers?

Mr. HEIMKE. That is right.

The CHAIRMAN. All right. Senator Mundt?

Senator MUNDT. Have you the 349 broken down as to which are strikers and which are nonstrikers? You broke down 1 figure of 43 to 41 and 2. Have you broken down the 349?

Mr. HEIMKE. I don't have that compilation right now.

Senator MUNDT. Could you make it from your records?

Mr. HEIMKE. Yes; we could.

Senator MUNDT. May we have him do that, Mr. Chairman, and have it supplied?

The CHAIRMAN. The Chair has no objection. We will be glad to have you break it down. You have 349 actual acts of vandalism now as you interpret the complaint.

Mr. HEIMKE. That is right.

The CHAIRMAN. You are going to undertake to break down those complaints that are against strikers and those complaints that are against nonstrikers?

Mr. HEIMKE. We will have that available for the committee.

The CHAIRMAN. I say that is what you are going to undertake to do now, so there will be no misunderstanding?

Mr. HEIMKE. That is right.

The CHAIRMAN. All right. Get it available by the first of the week. Proceed.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator MUNDT. We started out with the figure of 930. Now, those 930 complaints that you have piled up in front of you; what were they?

Mr. HEIMKE. That is everything in which a Kohler striker and worker were involved.

Senator MUNDT. Is this 349 a part of the 930?

Mr. HEIMKE. That is right.

Senator MUNDT. Are the 300 eyewitness accounts part of the 930?

Mr. HEIMKE. That is right.

Senator MUNDT. That is 649 acts of vandalism and eyewitness reports—349 acts of vandalism, plus 300 eyewitness reports of altercations of some kind between strikers and nonstrikers?

Mr. HEIMKE. That is right.

Senator MUNDT. Most of those, I take it, were acts of personal violence rather than acts of vandalism. If you hit a man in the back, to me that would be an act of personal violence rather than vandalism. I will show you a picture of a fellow who is pretty badly bruised up. I wouldn't call that an act of vandalism. I would call that an act of personal violence.

Mr. HEIMKE. That incident, Senator, was not reported to us.

Senator MUNDT. This would be an extra one that wasn't reported.

Mr. HEIMKE. That man said he didn't want to file any complaint, he didn't want to do anything about it, and he didn't want the police to do anything about it.

Senator MUNDT. You have 930, and you have 649 accounted for so far. What were the rest of them?

Mr. HEIMKE. There were 101 annoying and threatening telephone calls. The telephone calls came at all hours of the day and night.

Senator MUNDT. You call those acts of intimidation or threat, probably.

Mr. HEIMKE. That is right.

Senator MUNDT. Yes.

Mr. HEIMKE. Then there were reports from Kohler workers of suspicious cars and occupants continuously passing their home.

The CHAIRMAN. How many?

Mr. HEIMKE. 58. Then we received 89 requests from workers to pay attention to their home, because they feared that something was going to happen. They had received threats.

The CHAIRMAN. How many?

Mr. HEIMKE. 89.

Mr. KENNEDY. Let me ask you one thing: How many suspicious cars did you have in 1957?

I want to get these figures straight, but I must say I think maybe unintentionally you might be misleading the committee. Tell me how many suspicious cars you had in 1957?

Mr. HEIMKE. Involving Kohler workers?

Mr. KENNEDY. No; just how many suspicious cars you had, cars passing such as you described, reports of suspicious cars.

Mr. HEIMKE. Regardless of whether it was Kohler workers or Kohler strikers?

Mr. KENNEDY. Yes.

Mr. HEIMKE. In 1957 there were 64.

Mr. KENNEDY. 64, and how many of those were Kohler?

Mr. HEIMKE. Kohler-strike related?

Mr. KENNEDY. Yes.

Mr. HEIMKE. None.

Mr. KENNEDY. Isn't it conceivable—have you taken a suspicious car merely for the fact that it has passed by, somebody who is a striker or nonstriker, and chalked that up to the Kohler strike incidents in 1954 and 1955? I mean, just the mere fact that a striker or nonstriker is involved and sees somebody passing by in a suspicious car, you are including that?

Mr. HEIMKE. That became a pattern of operation for the strikers, to continuously harrass the property owners by driving past their houses in the early evening hours and at night.

Mr. KENNEDY. Evidently that is the common practice in Sheboygan, Wis., then, because you had 64 in 1957 that had nothing to do with the Kohler strike.

Mr. HEIMKE. Those are alert citizens, and we have educated them to report to us any suspicious activity in their home. That is one way of cooperating with law enforcement.

Mr. KENNEDY. And nonstrikers in 1956, you have 70 of them.

Mr. HEIMKE. That is right. Nonstrikers, or routine complaints not connected with the strike, there were 70; 12 of them were reported by Kohler workers.

Senator CURTIS. Would you yield for a question?

I want to know this: Are you talking about a car passing by was not related to the strike, or do you mean the person who made the report was not connected with either side of the controversy?

Mr. HEIMKE. I am referring to the suspicious cars and occupants. There were 58 reports received from Kohler strikers or workers.

Senator CURTIS. In what year?

Mr. HEIMKE. From 1954 to the present date. The preponderance of those complaints came in 1954, 1955, and 1956. There were no complaints from any Kohler people before that, and there were no complaints from Kohler people in 1957 pertaining to suspicious cars. But during the height of the complaints, in 1954, 1955, and 1956, there were 30, 16, and 12.

Senator MUNDT. From people who were connected with the strikers at the Kohler plant; is that right?

Mr. HEIMKE. Would you repeat that, please?

Senator MUNDT. Yes. The complaints came from people connected with the Kohler operation?

Mr. HEIMKE. That is right.

(At this point, Senator Goldwater entered the hearing room.)

Senator MUNDT. I hand you a picture and ask you whether you recognize the individual on the photograph.

(The photograph was handed to the witness.)

Mr. HEIMKE. At the time I didn't know him, but when he went for medical care we learned that he was a party by the name of Grunewald.

Senator MUNDT. Was Grunewald a striker, a nonstriker, or a spectator?

Mr. HEIMKE. I heard that he was a worker; or he had been a worker at the Kohler Co.

Senator MUNDT. Do you know what occasioned all those bandages, all those bruises and the black eyes and what looks to be a pretty bad facial beating?

Mr. HEIMKE. That was the man I was telling you about, that I tried to protect while he could get out of the clay-boat area.

Senator MUNDT. Did this attack on him occur during the course of this clay-boat "incident"?

Mr. HEIMKE. The clay-boat incident, right.

In the late afternoon or the middle of the afternoon of July 5. I estimate that happened between 3 and 3:30.

Senator MUNDT. This was the man you were trying to protect, and at the same time people were coming up telling you "Don Rand is breaking windows", and you were trying, with four people, to establish order down there; is that right?

Mr. HEIMKE. That is correct.

Senator MUNDT. Did you interview this man or did you find out what happened? You didn't protect him very well because he got pretty badly beaten up.

The CHAIRMAN. Do you want that made an exhibit so it can be identified?

Senator MUNDT. Thank you, Mr. Chairman.

The CHAIRMAN. That may be made exhibit No. 65. You identify it; you know the man, do you?

Mr. HEIMKE. Yes.

The CHAIRMAN. All right. It is exhibit 65.

(The document referred to was marked "exhibit No. 65" for reference and may be found in the files of the select committee.)

Mr. HEIMKE. I didn't interview him personally, but other officers did. He didn't want complaint filed with the police department; wanted no investigation. He wanted nothing done about the event.

Senator MUNDT. You had no officers who were eye witnesses to what happened? When you came into contact, you just saw somebody who was badly beaten up and they were running away?

Mr. HEIMKE. The only officers we had down there were on the crane.

Senator MUNDT. And there was nothing in your police-department records that would say what happened to this man, whether he ran into a post or whether somebody hit him in the face with iron knuckles, or what happened? There is nothing in your records to show what happened?

Mr. HEIMKE. He refused to talk. He didn't want anything to do with the police, and he didn't want the police to interfere or conduct an investigation.

Senator CURTIS. Would the Senator yield at that point?

Senator MUNDT. Yes.

Senator CURTIS. In your opinion, why were people generally so reluctant to talk or to volunteer information so that they could be used as witnesses in court?

Mr. HEIMKE. There is one word that covers the entire situation, and that is "fear."

Senator CURTIS. Who were they afraid of?

Mr. HEIMKE. They were—I don't know who they were afraid of, but it appeared as though they were afraid of the strikers retaliating against their property and their homes and the members of their family.

Senator CURTIS. And that is the way you feel about it?

Mr. HEIMKE. That is right.

Senator CURTIS. So even if an officer does see this, even if an officer is an eyewitness to an assault, if the individual assaulted will not cooperate at all, it is pretty difficult to ever have a successful prosecution, isn't it, if not impossible?

Mr. HEIMKE. In Wisconsin an assault and battery is a civil offense, in which the offended party is required to sign the complaint. We even went so far when he found we could not get these people to sign a complaint or sign a warrant to take the party to court. Our police officers signed the complaint on information and belief, hoping that it would take some of the fear of retaliation out of the mind of the assaulted individual. And then we hoped that he would testify for the police department that he had been assaulted.

They refused. They refused to testify under any circumstances, and the complaint many times had to be withdrawn for want of prosecution.

Senator CURTIS. Well, I think that the testimony we have taken here in reference to this pattern directed against Judge Schlichting, and I have information where it was followed in many other cases in the Reuther empire, fits right in with this fear and intimidation that goes down to people that they will not make complaints or be witnesses.

The CHAIRMAN. Are there any other questions?

Senator MUNDT. I have one question, Mr. Chairman.

I am wondering, you didn't have a very big force apparently, just four people down at a riot like that, or incident like that, to keep the language right.

I wondered, what was the sheriff's office doing in this whole business? I can't understand why he wouldn't be down there.

Was that part of his responsibility, or under your Wisconsin setup do you have exclusive responsibility for maintaining order within municipal limits, and the sheriff's responsibility is limited to outside of the municipal limits?

Mr. HEIMKE. Sheboygan is a part of the county, and the sheriff is responsible for law enforcement in the county.

Senator MUNDT. In other words, you have dual responsibility for law enforcement in the city, and the sheriff has exclusive responsibility outside of the city. Is that the way it works?

Mr. HEIMKE. Generally; although we have a working arrangement to let the city take care of the city, and the sheriff will take care of the county, although the city cannot go into the county without being deputized by the sheriff, although the sheriff can operate in the city.

Senator MUNDT. Tell us what the sheriff did there, and what did he do to help maintain order?

Mr. HEIMKE. Nothing. He didn't do anything.

Senator MUNDT. He didn't do anything? Didn't he send some law-enforcement people, deputies representing them, somebody down there to help quell this rising tide of explosive sentiment?

Mr. HEIMKE. I didn't see any officer from his department down there.

Senator MUNDT. You were appointed by the mayor, I suppose?

Mr. HEIMKE. No. I am appointed by the police and fire commission, subject to the confirmation of the common council.

Senator MUNDT. You have a commissioner system and you have a police commissioner, and water commissioner, and fire commissioner?

Mr. HEIMKE. The police and fire commission is a 5-man board appointed by the mayor, confirmed by the council.

Senator MUNDT. And the sheriff is elected?

Mr. HEIMKE. Yes, he is elected.

Senator MUNDT. He was elected by CIO support or UAW support or union support?

Mr. HEIMKE. They supported him in the last election.

Senator MUNDT. What attitude did he take in connection with this long series of incidents, which you stacked up there almost half a foot high, of trouble of various types that evolved during this situation?

Mr. HEIMKE. We, in the Sheboygan Police Department, felt we stood alone in this entire situation. We got very little support from the sheriff's department, and, in fact, some of the sheriff's officers, deputies, who were interested in solving these situations came in to us with information and they were censored by the sheriff for working on some of these cases, and they were told to lay off, and that any investigation would be done by the sheriff himself.

Senator MUNDT. Are you telling the committee that the sheriff, instead of trying to help solve these violations of law, was in fact telling his deputies not to interest themselves in getting that kind of evidence and to lay off? Is that your testimony under oath?

Mr. HEIMKE. Yes, we know of incidents like that.

Senator MUNDT. Have you any other information indicating that the sheriff was not interested in trying to bring order out of chaos in this area?

Mr. HEIMKE. Well, it was just a general belief among all of the police officers in Sheboygan that we could not depend upon the sheriff at that time for any assistance.

Senator MUNDT. So it became a sole function, or sole responsibility of your police department, either you got the job done or nobody did it?

Mr. HEIMKE. In fact we have gone so far as to appeal to the Governor directly. Any appeals to the Governor have to be done through the sheriff and the district attorney's office but we received word that he would not interfere until all of the resources of the sheriff's department and other law enforcement officers of the county had been utilized, and he felt that we hadn't used those resources at our disposal.

Senator MUNDT. The Governor felt that?

Mr. HEIMKE. That is right.

Senator MUNDT. You appealed to the Governor for what—for troops, or the National Guard or——

Mr. HEIMKE. For the National Guard.

Senator MUNDT. The National Guard?

Mr. HEIMKE. Yes.

Senator CURTIS. Where did this conversation take place that you overheard between the sheriff and the mayor in reference to an obligation that one or the other might owe to the union?

Mr. HEIMKE. That was at the middle of the intersection of Franklin Street, Fifth Street, and Pennsylvania Avenue.

Senator CURTIS. On what day?

Mr. HEIMKE. The afternoon of July 5.

Senator CURTIS. 1954?

Mr. HEIMKE. 1954. No; that was 1955.

Senator CURTIS. Who said what?

Mr. HEIMKE. As I approached the two individuals from the rear, the mayor said to the sheriff, "How much are you obligated?"

Senator MUNDT. What is his name?

Mr. HEIMKE. Mayor Rudolph Ploetz said to Sheriff Mosch, "How much are you obligated to the union for?" after which Sheriff Mosch turned around, and he was going to answer and he saw me standing there, and the color of his face changed, and he stuttered and stammered, and he said, "Let us go some place where we can talk."

Senator CURTIS. That is when they got in the car and rolled up the windows?

Mr. HEIMKE. That is right.

Senator CURTIS. Then later on you went over and tapped on the window?

Mr. HEIMKE. That is right, on the driver's side.

Senator CURTIS. What did you say to them?

Mr. HEIMKE. They turned the window down after a bit of pounding, and I asked them, "What do you want me to do?" and the answer I got was, "We'll be back in a little while."

Senator CURTIS. Do you remember who answered you?

Mr. HEIMKE. The sheriff, because he was behind the wheel.

Senator CURTIS. Did you conduct any investigations on anonymous or threatening telephone calls?

Mr. HEIMKE. We were unable to get, through the equipment we had, where the calls were coming from. We have a dial system, which makes it difficult to trace calls. But we referred most of the annoying and threatening phone calls to the manager of the telephone company. But in the meantime, we had developed informants within the strikers who were sympathetic to law enforcement, and they informed us that the calls were coming from the strike kitchen or soup kitchen.

We asked the telephone company to confirm this, but they said that they would confirm whatever information they had only by a court order.

Senator CURTIS. Did you ever get any information as to where the paint bombs were coming from, either those made out of light bulb or those made out of a fruit jar?

Mr. HEIMKE. We never were able to develop anything. We checked light bulbs. We thought we were getting close to the light-bulb type of paint bombing and we thought we were able to develop something, and they stopped, and then the technique switched to Mason fruit jars filled with paint, but we were never able to develop a source.

We received a lot of information, but we were not able to develop anything.

Senator CURTIS. And when you were working on it, they switched over to the fruit jar type?

Mr. HEIMKE. That is right.

Senator CURTIS. Well, what plans did you develop to cope with the vandalism and violence?

Mr. HEIMKE. While I was captain we put on, or we had the men work overtime, and we put on six special officers who had aspirations of becoming police officers but who at that time were on the eligibility list. We put them on as special officers and made everybody work 4 hours extra every day, and we divided the town up into sections, those sections that were getting hit the most with the paint bombs and types of vandalism.

Whenever we concentrated in a given area, then the vandalism would stop and they would hit another area. We didn't have enough men to blanket the entire city, so we had to play our hunches, and through the use of pin maps try to find out where most of the vandalism was occurring and we would concentrate our men in those areas, and when we did, the vandalism stopped.

Then they would hit another area, and when we moved to that area, they would go back to the area that we had vacated, which led us to believe that they were getting information on our operations from somebody.

Senator MUNDT. Were you in the committee room the other day when the Buteyn brothers were testifying?

Mr. HEIMKE. I was.

Senator MUNDT. Did you hear the testimony?

Mr. HEIMKE. Yes, I did.

Senator MUNDT. Did you hear Mr. Buteyn say that the mayor—and I thought it was the mayor of Sheboygan and it might be the mayor of some place else, and I want to straighten this out—but he testified

that a mayor had tried to order him around, and he said, "I'm all through taking orders from you today," and so forth, and finally the mayor said he wanted Buteyn to promise he would never unload a clay boat again, and if he would do that then he would get police protection to take this particular machinery out of the area of the confusion.

Was that the same mayor that you are talking about, that you just related to Senator Curtis as having had this bizarre conversation with the sheriff which you overheard?

Mr. HEIMKE. That is right. That was a part of the conversation that I heard while standing alongside of the mayor in his office when he called the Buteyns, demanding him to take the crane out of the area.

Senator MUNDT. You heard part of that conversation, too?

Mr. HEIMKE. Just the mayor's half of the conversation.

Senator MUNDT. The mayor's?

Mr. HEIMKE. Yes, sir; and that is where that conversation took place.

Senator MUNDT. Can you state, then, under oath, that the part of the conversation that you heard said in the mayor's office, corroborates and confirms the statements made by Mr. Buteyn insofar as that part of the conversation is concerned?

Mr. HEIMKE. That is correct. I was also alongside of him——

Senator MUNDT. This is the same mayor you heard ask the sheriff, "How much are you obligated to the union?"

Mr. HEIMKE. That is the same mayor.

Senator MUNDT. That was Mayor Ploetz?

Mr. HEIMKE. Yes, sir.

Senator MUNDT. And Sheriff Mosch?

Mr. HEIMKE. Yes.

Senator MUNDT. Certainly it would look to me, with that kind of a situation, that your position as chief of police of the city of Sheboygan was something less than enviable.

Mr. HEIMKE. I was captain at that time.

Senator MUNDT. You were not chief?

Mr. HEIMKE. No.

Senator MUNDT. You were captain?

Mr. HEIMKE. I was captain of police at that time, and it did create a problem for me.

Senator MUNDT. Was the chief of police cooperating with you?

Mr. HEIMKE. I would say he was, yes.

Senator MUNDT. So that your problem didn't develop in the police department through the police commissioner, but it developed through the mayor's office and through the sheriff's office.

Mr. HEIMKE. That is right.

Mr. KENNEDY. Just on that question, I think your testimony is most interesting about the conversation between Buteyn and Mayor Ploetz, because Buteyn testified that this conversation took place on the dock when he was trying to repair the crane, and your testimony is that you overheard it on the telephone.

Mr. HEIMKE. I was also standing alongside of the mayor when he took the microphone from the sound truck.

Mr. KENNEDY. But in answer to Senator Mundt, you said, "Yes, I overheard the conversation. I overheard half the conversation, and I was in the office when he telephoned Buteyn," and Buteyn testified that this conversation took place at the dock.

Mr. HEIMKE. I heard the testimony, and I don't think that that is straight.

Mr. KENNEDY. I will get the testimony, because I know that is what it was, and it took place at the dock. And he said, "Get up here and say over the microphone that you will never take this material out of here again, and you won't unload the ship."

Mr. HEIMKE. That is right, he did that, and that did occur at the dock as you stated. But there was also the incident in the mayor's office when he called Buteyn.

Senator MUNDT. I am pretty sure Buteyn testified this was a telephone call, but this is a matter which is demonstrable from the record.

Mr. KENNEDY. There was no question that there was a telephone call. There was a question that it was at the dock that the statement was made that, "You will get up and announce that you will not unload the clay from the clay boat again." That took place at the dock, and not on the telephone?

Mr. HEIMKE. That part of the conversation did take place at the dock.

Senator MUNDT. My question to the chief was not on that, and my question to the chief was whether or not he heard the mayor's part, where he was trying to order Buteyn around and Buteyn said, "I have taken all of the orders I am going to take from you."

Mr. KENNEDY. And he said he had heard the rest of the conversation.

The CHAIRMAN. Gentlemen, this record speaks for itself, and it has been made over and over.

Mr. HEIMKE. At that time, the mayor also stated that, "If you don't come down, I will get the police officers to come and get you," but I was standing alongside of the mayor when he made his speech over the loudspeaker system at the dock, in which he said that that crane—or, first, I spoke, and they would not listen to me, and they said, "We don't believe you; we want to hear it from the mayor."

So, the mayor took the mike, and he said, "I promise you that this crane will be taken out of the area and it will be taken back to the Kohler Co. where it belongs, and that there will be no clay boat unloaded in Sheboygan." I was standing shoulder to shoulder with the mayor at the time.

The CHAIRMAN. May I ask you a few questions, and we can go on all day and repeat it. Let us get down to 1 or 2 real facts now. You had 930 complaints?

Mr. HEIMKE. That is right.

The CHAIRMAN. 349 of them were vandalism?

Mr. HEIMKE. Yes.

The CHAIRMAN. 101 were threats or threatening phone calls; is that correct?

Mr. HEIMKE. That is right.

The CHAIRMAN. 58 of them were suspicious cars passing by; is that right?

Mr. HEIMKE. That is right.

The CHAIRMAN. 89 was what, and you gave me the figure and I did not get it.

Mr. HEIMKE. That was paying attention to residences or requesting the police department to have officers pay attention to their residences.

The CHAIRMAN. Expressing fear and asking you to watch their premises?

Mr. HEIMKE. That is right.

The CHAIRMAN. What are the others, right quickly?

Mr. HEIMKE. There were 19 cars damaged, although this would be in the others.

The CHAIRMAN. That would be vandalism?

Mr. HEIMKE. Illegal placing of strike posters, one.

The CHAIRMAN. What else?

Mr. HEIMKE. General disorderly conduct of strikers.

The CHAIRMAN. How many?

Mr. HEIMKE. 75.

The CHAIRMAN. What else?

Mr. HEIMKE. 21 requests for Kohler workers to be escorted home.

The CHAIRMAN. That is for escorts; they are afraid to go home?

Mr. HEIMKE. Yes, sir.

The CHAIRMAN. All right.

Mr. HEIMKE. We received two requests to pay attention to the Kohler bus.

The CHAIRMAN. The Kohler bus?

Mr. HEIMKE. Yes, sir.

The CHAIRMAN. Anything else?

Mr. HEIMKE. There was one phony home delivery.

The CHAIRMAN. What is that?

Mr. HEIMKE. A phony home delivery; that is where they ordered flowers and groceries, and all kind of things, to be sent to a particular worker's house without his knowledge.

The CHAIRMAN. One phony delivery. What else is there?

Mr. HEIMKE. In fact, there were 2 of them; 1 involved an ambulance and a wrecker, and so there were 2. Then we received seven requests to pay attention to the dock area.

The CHAIRMAN. Seven what?

Mr. HEIMKE. Seven requests to pay attention to a dock area, the clay-boat dock area.

The CHAIRMAN. All right. I am trying to make this record complete, since we have it.

Mr. HEIMKE. There were 67 picketings of workers' homes.

The CHAIRMAN. Sixty-seven of those?

Mr. HEIMKE. Yes; and we picked up 1 individual, or 3 individuals, with the possession of a gun.

The CHAIRMAN. Two carrying concealed weapons?

Mr. HEIMKE. That is right. Did you list that as 3 offenses or 1? That was one offense, in the possession of a gun.

The CHAIRMAN. You gave me two.

Mr. HEIMKE. There were 3 people involved, but we listed it as 1 offense. There were 67 picketings of workers' homes.

The CHAIRMAN. We got that.

Mr. HEIMKE. And six threatening letters.

The CHAIRMAN. Six threatening letters?

Mr. HEIMKE. Yes, sir; and 12 reports of suspicious persons. One complaint against the union sound-truck disturbance. We received seven complaints to escort trucks. We have two here, discharging of fireworks, which is illegal in the State of Wisconsin. We had 21 fights. There were five reports of men beaten.

The CHAIRMAN. That is reports of assault, all right.

Mr. HEIMKE. We had five requests to pay attention to the Lyman School, where picketing was going on.

Senator MUNDT. Why would they be picketing a schoolhouse?

Mr. HEIMKE. They were building an addition to the Lyman School, and Kohler fixtures were going in there.

Senator MUNDT. This is part of the boycott.

The CHAIRMAN. What is the next one?

Mr. HEIMKE. There were two complaints of damage to fresh cement.

The CHAIRMAN. That is vandalism?

Mr. HEIMKE. Then we had one complaint of paying attention to the baseball game, involving Kohler workers, and they expected some trouble at a softball game.

Then we had a complaint from a home builder.

Senator ERVIN. Did that come from the umpire?

Mr. HEIMKE. No.

The CHAIRMAN. Let us move along.

Mr. HEIMKE. Then we had a complaint from a home builder that had been threatened. Then we received a request to guard the trains that were transporting equipment to the Kohler Co.

The CHAIRMAN. This makes up a substantial part of the 930, does it not?

Mr. HEIMKE. That is right. We had name calling; there were 13 complaints of name calling.

The CHAIRMAN. Thirteen name calls? Did you include in that when the called them "scabs"? Did you include that in the list?

Mr. HEIMKE. Well, the dictionary does not define "scab" as a derogatory term, and we could never—

The CHAIRMAN. Whenever they were calling people "scabs," you did not include that?

Mr. HEIMKE. It was over and above the word "scab."

The CHAIRMAN. The 13 is over and above the word "scab"?

Mr. HEIMKE. Yes.

The CHAIRMAN. What else?

Mr. HEIMKE. There were 11 threats to do malicious damage. There was one Kohler worker that got married and he asked us to protect his home while he was getting married.

The CHAIRMAN. I think that is a very important request. Was he protected?

Mr. HEIMKE. He was.

The CHAIRMAN. Thank you. Proceed.

Mr. HEIMKE. Then there were two boys beaten.

The CHAIRMAN. Well, I think that would come under assaults. Is that in addition to those?

Mr. HEIMKE. That is in addition.

The CHAIRMAN. Two boys beaten.

Mr. HEIMKE. This is segregating it from the adults to the teenager. There were 11 requests to pay attention to Kohler workers' cars who would be parked on the street overnight.

The CHAIRMAN. All right.

Mr. HEIMKE. And then there were a group of 72 complaints which we just could not catalog, or put in any particular category.

The CHAIRMAN. I am just trying to get the great bulk of the 930, and so we have at least that now, do we?

Mr. HEIMKE. That is right.

The CHAIRMAN. All right, I have not totaled them up, and I suppose they run somewhere in that neighborhood, what you reported.

Now let me ask you this: Of all of these complaints including the 349 cases of vandalism, how many of those complaints have been solved?

Mr. HEIMKE. On the vandalism, when we look at malicious vandalism, damaging of property, we were not able to make any arrests except the one on Bonanse.

(At this point, the following members of the committee were present: Senators McClellan, Curtis, Ervin, Mundt, and Goldwater.)

The CHAIRMAN. You made one arrest for vandalism?

Mr. HEIMKE. And then there were two boys who were members of strikers' families who didn't like a neighbor of theirs who was a worker, and they decided that they were going to imitate what had been going on, and they decided to paint the neighbor's car, so we referred those to juvenile authorities so it would not be on our arrest.

The CHAIRMAN. They are not on your list, the two boys?

Mr. HEIMKE. No. That's a confidential record.

The CHAIRMAN. I assume they were young children?

Mr. HEIMKE. They were.

The CHAIRMAN. So they are not included in your list?

Mr. HEIMKE. They are not.

The CHAIRMAN. All of the files you have there, the 930, as I understand your records there, those are still active cases?

Mr. HEIMKE. There was one arrest we did make. There was a window broken, a Thermopane window broken on the north side of the city of Sheboygan, and we were fortunate to have officers within the immediate area. We made an arrest of two individuals in a car. They had a slingshot, and they had agate marbles, similar to marbles that were found at the scene of the broken Thermopane window, so we made the arrest. They were taken to court. We lost the case on their defense that they just happened to be in the area, and that the rubber innertube slingshot that they had with the marbles had been used to scare away starlings from their back birdhouse.

The CHAIRMAN. So, in view of the fact that they were acquitted, that still remains unsolved, judicially?

Mr. HEIMKE. That is correct.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. How many have been solved, out of the 930? How many have the police solved over this period of 4 years?

Mr. HEIMKE. None, except for the Bonanse case.

The CHAIRMAN. The Bonanse case was a worker who did something to the car of a striker; is that correct?

Mr. HEIMKE. Yes. Our interrogation of him revealed that he got so fed up with being annoyed by the strikers that he got drunk one night and went out and did damage.

The CHAIRMAN. Instead of painting the town, he painted the car.

Mr. HEIMKE. That was such an amateurish job that we were able to solve that almost immediately. The others all had the professional touch.

The CHAIRMAN. But the point I am making now is you still have these cases active after 4 years. You have not been able to solve them, or to find the guilty parties and prosecute.

Mr. HEIMKE. I might say that we did make an arrest of the two Shraeder brothers who threw beer cans against a house trying to break a window. But their aim was bad and they hit the frame of the house.

They were arrested. They are strike sympathizers, belonging to another union in Sheboygan.

The CHAIRMAN. Were they convicted?

Mr. HEIMKE. They were charged with disorderly conduct, destruction of property, and Gilbert Shraeder paid \$50 and costs and Donald Shraeder had his case dismissed.

The CHAIRMAN. So you have had two convictions, one fellow painted a car, and the other one that threw a tin can at a window and missed.

Mr. HEIMKE. We have other cases that involve assault and battery and disorderly conduct, which were either dismissed or they are still pending.

The CHAIRMAN. I am not trying to reflect on you. I assume you did the best you could. You even had, didn't you, the assistance of some detectives hired by the Kohler Co., didn't you, trying to find out who was committing these crimes?

Mr. HEIMKE. They were a duly licensed detective agency and we did work very closely with them. We accepted any help we could get.

The CHAIRMAN. In other words, you did work with them, and you have done all of this work since in the 4-year period of time.

Mr. HEIMKE. That's right.

The CHAIRMAN. What you have testified to here now is the amount of solution you have been able to make in solving these crimes?

Mr. HEIMKE. That is correct.

The CHAIRMAN. And you worked hard at it?

Mr. HEIMKE. It was a full-time, 24-hour-a-day job. We dropped everything else. We reached the point of frustration. We felt we lost the confidence of the people, and we were trying to regain their confidence so that we could operate again.

The CHAIRMAN. How many detectives did the company hire to help you?

Mr. HEIMKE. Two that I know of.

The CHAIRMAN. You worked with two at least?

Mr. HEIMKE. They came in to us for information and passed on information to us that they had developed.

The CHAIRMAN. Well, you cooperated.

Mr. HEIMKE. That is right.

The CHAIRMAN. And you had confidence in them that they were trying?

Mr. HEIMKE. Right.

The CHAIRMAN. And you know you tried.

Mr. HEIMKE. I tried all the time.

Mr. KENNEDY. On those detectives, did they speak to you about putting a bug in the office of the union, or in the union's headquarters?

Mr. HEIMKE. They asked me where the union stayed, and I told them they stayed at the Grant Hotel. They said "Do you know what part of the building?"

I said, "I don't know. What difference does that make?"

They said, "Well, we would like to find out what is going on in there."

That is all I heard.

Mr. KENNEDY. These are the representatives of the Kohler Co.?

Mr. HEIMKE. That was this detective agency.

Mr. KENNEDY. Hired by the Kohler Co.?

Mr. HEIMKE. I assume they were, yes.

Mr. KENNEDY. You knew they were.

Mr. HEIMKE. They told me they were hired by the Kohler Co.

Mr. KENNEDY. They asked you about where the union was staying?

Mr. HEIMKE. That is right.

Mr. KENNEDY. Did they also speak to you about getting some equipment so that they could bug the hotel room?

Mr. HEIMKE. We don't have any equipment. I don't know where to get it.

Mr. KENNEDY. Just answer the question, Chief. Did they speak to you about getting some equipment to bug the room of the union?

Mr. HEIMKE. They just said they wanted to get some information out of the room. What device or means—I assume they wanted to tap a line or bug it.

Mr. KENNEDY. Did they speak to you about getting equipment so that they could bug the headquarters of the union?

Mr. HEIMKE. No, they didn't ask me to get equipment.

Mr. KENNEDY. Answer this question: Did they talk to you at all about bugging the room of the headquarters of the union?

Mr. HEIMKE. They didn't use the word "bugging".

Mr. KENNEDY. What word did they use?

Mr. HEIMKE. I thought they used the word "tap."

Mr. KENNEDY. They wanted to put a tap. All right. What did you say?

Mr. HEIMKE. I told them that was their business, but we weren't going to be involved in that.

Mr. KENNEDY. Did they ask you for the equipment, whatever equipment you might have, to tap the wires of the union?

Mr. HEIMKE. We have no equipment like that.

Mr. KENNEDY. Just answer the question. Did they ask you to use your equipment?

Mr. HEIMKE. No, they didn't.

Mr. KENNEDY. What conversation did they have with you about tapping the telephone wires of the union?

Mr. HEIMKE. They just said that they would like to tap into that room and find out what is going on, if they could. That was the extent of the conversation.

Mr. KENNEDY. And you told them that the union stayed at the Grant Hotel?

Mr. HEIMKE. That is right. That was their headquarters, their lodging headquarters.

Mr. KENNEDY. Did they arrange, then, to go into the Grant Hotel?

Mr. HEIMKE. I don't know. We never had a conversation after that again.

Mr. KENNEDY. Do you know if they set up a room at the Grant Hotel in order to accomplish this?

Mr. HEIMKE. That I don't know.

Mr. KENNEDY. You don't know if they had a room at the Grant Hotel?

Mr. HEIMKE. No, I don't.

Mr. KENNEDY. Do you know what room the union had at the Grant Hotel?

Mr. HEIMKE. No, I don't.

Mr. KENNEDY. You don't know what steps they took after that?

Mr. HEIMKE. No, I don't.

Mr. KENNEDY. They never discussed this with you after that?

Mr. HEIMKE. No, they didn't.

Mr. KENNEDY. They just asked if you would assist them, or said they wanted to do this, put a tap on, and you said that was up to them?

Mr. HEIMKE. That is right. They didn't ask for our assistance.

Mr. KENNEDY. They just told you that is what they planned to do?

Mr. HEIMKE. Right.

Mr. KENNEDY. And you don't know whether they did it or not?

Mr. HEIMKE. No, I don't.

Mr. KENNEDY. Did they also speak to you or any of your deputies about planting an informant in the strike kitchen?

Mr. HEIMKE. No, I never heard that until I got here to Washington.

Mr. KENNEDY. Does your deputy, Mr. Franks, know about that?

Mr. FRANKS. Yes, I do.

Mr. KENNEDY. Did they speak to you about getting an informant to work in the strike kitchen so that they could pick up the conversations that were being carried at that time?

Mr. FRANKS. Yes, they did.

Mr. KENNEDY. Did you put them in contact with somebody who could work at the strike kitchen?

Mr. FRANKS. Well, I wasn't certain that it could be arranged that way, but I did make the initial contact, yes.

Mr. KENNEDY. And they met with this individual to work in the strike kitchen?

Mr. FRANKS. To the best of my knowledge they did, yes.

Mr. KENNEDY. And the payments were to be made to this informant, who was going to work for them and report, the payments were to be made by the Kohler Co., is that right?

Mr. FRANKS. I have no knowledge of that at all.

Mr. KENNEDY. Did they say that they were willing to pay?

Mr. FRANKS. They left me with that impression, yes.

Mr. KENNEDY. And they were at that time being retained by the Kohler Co.; is that correct?

Mr. FRANKS. I assume that they were, yes.

Mr. KENNEDY. Do you know if they got this informant in the strike kitchen?

Mr. FRANKS. I cannot say with certainty that they did, but I suspect that it did happen.

Mr. KENNEDY. Also, just on the methods that were used by these representatives of the detective agency, do you remember a man by the name of Silvia?

Mr. FRANKS. Yes, I do.

Mr. KENNEDY. And Silvia was one of those suspected by the Kohler Co. of committing some of these acts of violence and vandalism?

Mr. FRANKS. The first time I got into contact with Silvia on that incident was through Sheriff George LeMieux of Fond du Lac County and Mr. Eugene McEssey, the district attorney of Fond du Lac County. I originally got into that particular situation on discussion with Chief Walter Wagner, the former chief.

Mr. KENNEDY. Was he one of those suspected of committing some of these acts of violence?

Mr. FRANKS. Yes, he was.

Mr. KENNEDY. Because he liked to drink, was it arranged to get him drunk, to see if he might confess to some of these crimes?

Wasn't that done?

Mr. FRANKS. I don't quite follow you on that, counselor.

Mr. KENNEDY. Wasn't it reported that Mr. Silvia enjoyed drinking, and wasn't it arranged thereafter to get Mr. Silvia drunk, the Madson Detective Agency and yourself to get Mr. Silvia drunk, so that he would possibly confess to these crimes?

(The witnesses conferred with each other.)

Mr. KENNEDY. You know about it, I believe.

Mr. FRANKS. I believe what you have reference to is the time I accompanied Madson and Sheriff LeMieux and District Attorney McEssey to Madison, where he took a polygraph test.

Mr. KENNEDY. Yes; and then you came back.

Mr. FRANKS. On the way back, I believe it was Mr. Wiliomski said that the results of the test indicated—I am answering your question, but I am answering it this way—the results of the test indicated that he might have some knowledge of these incidents. But he said that he has done all he can, and “possibly,” he said, “You might use the liquid detector on him on the way home.” That is when I walked away from the conversation.

I do know later on that he meant maybe if we bought him a few drinks he might loosen up a little bit.

Mr. KENNEDY. Did you stop at a few bars on the way back?

Mr. FRANKS. We stopped, I believe, at the Elks Club and had dinner.

Mr. KENNEDY. Did you have a few drinks at that time?

Mr. FRANKS. Yes; we did have a few drinks.

Mr. KENNEDY. Did he loosen up at all?

Mr. FRANKS. He asked to talk to Sheriff LeMieux alone, and the two of them went off on the side. After a while he came back, Sheriff LeMieux, and he said to me that he thinks Bill will talk.

I said, “Fine.” I said, “What is your plan?”

He said, “Bill wants to stay with me in my jail in Fond du Lac County voluntarily. He would like to sign a statement to that effect. He would like it if Chief Walter Wagner would come over and talk to him and then possibly he could throw some light on this.”

Mr. KENNEDY. So the liquid test appeared, at least initially, to help?

Mr. FRANKS. I don't think he had that much to drink, counselor.

Mr. KENNEDY. He had a few drinks?

Mr. FRANKS. He had a few; yes; he did.

Mr. KENNEDY. And it appeared that he was at least more cooperative after he had a few drinks than before?

Mr. FRANKS. Yes.

Mr. KENNEDY. And the representative of the Kohler Co. was present during all of this, the detective?

Mr. FRANKS. Just so we don't get confused on this, this was Mr. Al Adams—

Mr. KENNEDY. Who was working for the Madson Detective Co.

Mr. FRANKS. That is correct.

Mr. KENNEDY. And they were employed by the Kohler Co.?

Mr. FRANKS. That is my understanding.

Senator ERVIN. Mr. Chairman.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. Have you made any division of these what you call complaints as to those that were complaints as distinguished from those which were requests? In other words, some of the complaints you have listed as requests for escorts, requests to watch homes, or requests to watch automobiles.

Mr. HEIMKE. They all originated as complaints. They complained that they had been threatened and then requested that we pay attention to the residence. There were other instances where there was intimidation, coercion, which made them feel that some part of their person or property might be damaged or threatened, which resulted in a request to pay attention and act as a guard or provide an escort.

Senator ERVIN. Then in every case you received a request where the people had been threatened or intimidated in some way before they called you, according to their statement?

Mr. HEIMKE. That is right.

Senator ERVIN. As I understand you, out of these nine hundred and thirty-odd complaints, only three persons have been convicted, convicted in court?

Mr. HEIMKE. On vandalism. Malicious vandalism. There were other arrests. We had a total of 53 arrests pertaining to the strike.

Senator ERVIN. Yes, but I was distinguishing between arrests and trials and conviction. I understood you to tell Senator McClellan that 1 person had been convicted, 1 striker had been convicted of painting an automobile, and that 2 persons had been convicted in connection with throwing beer cans against a house. Now, were there any other trials and convictions?

Mr. HEIMKE. There were others.

In fact, there were a total of 53 arrests, which were strike connected; 25 of those 53 are still pending. Sixteen of those complaints were withdrawn or dismissed, in which the complainant or the witnesses because of fear refused to testify or sign complaints. Seven were found guilty and five were found not guilty by jury trial.

Senator ERVIN. In other words, of the 53 arrests, all of them had been disposed of except 25, which are still pending?

Mr. HEIMKE. That is right.

Senator ERVIN. And of all of those which have been disposed of, the charge was either withdrawn or an acquittal—they were withdrawn or an acquittal entered and dismissal of seven cases?

Mr. HEIMKE. That is right.

Senator ERVIN. How many members of the police force did you have there?

Mr. HEIMKE. At the time of the clay-boat incident we had 54. That was right during the vacation time when many of our officers were on vacation.

Senator ERVIN. I imagine at that time you had extra men on, didn't you, that you would not employ normally at other times?

Mr. HEIMKE. We put on six men who headed the police eligibility list, and we put them on as recruit patrolmen working in plain clothes.

Senator ERVIN. As far as you could observe from the conduct of other members of the police force, the members of the police force endeavored in good faith to ascertain who had committed these various acts of vandalism, did you not?

Mr. HEIMKE. They tried to make it a full-time job, they were just as anxious to clear these events up as we were.

Senator ERVIN. And you have no reason to believe, do you, that if the members of the committee staff went out there and conducted an investigation at this time, anywhere from 6 months to 3½ or almost 4 years after these events occurred, that they would be any more able to detect who were the guilty parties than you were, could they?

Mr. HEIMKE. They may have, because the pattern of the offenses, the *modus operandi*, method of operation, as we talk about it in law enforcement, established a pattern. Whoever was guilty of these offenses, you can always find some leaks in an organization. We were convinced it was a small, closely knit organization. We were unable to get information from a small group. Then we received information from confidential informants that they suspected—these were workers, who were sympathetic to law enforcement, friends of ours.

They came forward with: "Have you thought of the possibility that this might be an outside organization coming in to do this, imported individuals?"

Well, we had thought about that, but that is difficult to investigate beyond the boundaries of the State of Wisconsin.

Senator ERVIN. In other words, as far as any investigation within the realm of the jurisdiction of the police force, it was as thorough as possible under the circumstances, wasn't it?

Mr. HEIMKE. That is right.

Senator ERVIN. You have no reason to believe, or do you, that members of this staff, who are unacquainted with the people there, so much more than the police force of your town, that they could go there now after all of this lapse of time and uncover things which you were unable to uncover despite your making it a 24-hour-a-day job?

Mr. HEIMKE. I feel that it is possible that maybe this committee can do more than we. We turned information over to them which took us out of the State of Wisconsin.

Senator ERVIN. Where would you send investigators, if you were to?

Mr. HEIMKE. Well, we had a dynamiting, and we called the Wisconsin State Crime Laboratory in to make a complete investigation of the dynamiting of an automobile. They determined, because of the

pecularity of the dynamite, which was only used in certain sections of the country, that the closest place it could have come from was Iron Mountain, Mich. That is outside of the jurisdiction of the State of Wisconsin. We asked the crime laboratory to continue. They couldn't, and we couldn't go out of the State. We could have, but it's very difficult to get cooperation from other authorities. This information we turned over to Senate investigators, who have the all-powerful Senate subpoena.

Senator ERVIN. How many dynamiting instances did you have with this type of dynamite?

Mr. HEIMKE. How many dynamitings did we have?

Senator ERVIN. Yes.

Mr. HEIMKE. Five dynamitings.

Senator ERVIN. Where else in the United States would you send investigators to find out what happened in these acts of vandalism in your town except in Iron Mountain, Mich.?

Mr. HEIMKE. Well, I don't know. We being a small peaceful community, we had read about the same things that were happening in Sheboygan were happening in other large cities, such as Chicago, Detroit, the same malicious types of vandalism. It seemed to our opinion that they were professionals, well schooled in those techniques over the past couple of years, who were imported into Sheboygan. That is an opinion of all law enforcement in Sheboygan.

Senator ERVIN. Do you think by sending investigators into Sheboygan, that by an investigation there they could uncover the things which you all were unable to uncover despite your diligence?

Mr. HEIMKE. They might. They have more authority. They have more authority to go places and talk to people, which we cannot get to.

Senator ERVIN. You have a great deal more authority than investigators have. You have authority to arrest people and many other things which they would have absolutely no authority to do. I just want to know if you think that the investigators of this committee, or someone we could employ, are so much smarter than you and the other members of your police force that they could uncover acts of vandalism in Sheboygan that you were unable to discover, notwithstanding the fact that you made it a 24-hour-a-day job?

Mr. HEIMKE. I feel that they could. I wouldn't say that they are any smarter than we are, but they have the authority to go all over and talk to people.

If they don't want to talk to us, they don't talk. If they don't want to talk to you, you can subpoena them.

Senator ERVIN. Absolutely. But if they tell us they don't know anything, how will we get anything out of them?

Mr. HEIMKE. That is exactly the problem we had.

Senator CURTIS. Mr. Chairman?

Senator ERVIN. I have not finished yet, Senator. There is some evidence here that on some occasions the acts of vandalism consisted of firing or blasting from a shotgun or other firearm into the homes of nonstrikers.

How many instances of vandalism consisted of acts of that character, where a firearm was discharged into the dwelling house of a person?

Mr. HEIMKE. One

Senator ERVIN. I believe you did give us 43 cases in which paint bombs, used in the container in the form of either an electric light bulb or a mason fruit jar were used as weapons?

Mr. HEIMKE. That is right.

Senator ERVIN. I believe you said 41 were used against the homes of nonstrikers and 2 against the homes of strikers?

Mr. HEIMKE. That is right.

Senator ERVIN. I don't know whether I understood you correctly, but you were asked a question, as I understood it, whether, if a member of the police force, in Wisconsin, saw one, whom we shall call John Doe, beat another man, whom I will call Richard Roe, that you said a police officer, although he was an eye witness to that, he could not prosecute the case?

Mr. HEIMKE. No. If the police officer was an eye witness, he could sign the complaint.

Senator ERVIN. That is what I thought.

Mr. HEIMKE. In that case, we usually arrest both parties and let the court and the judge decide who was responsible and who was the offender.

Senator ERVIN. I will ask you this: Under the law of Wisconsin, a police officer, in addition to being able to swear out a warrant, can he conduct a prosecution in case he sees an act of violence in his presence, and I will ask you if he cannot procure the issuance of a warrant or other process upon affidavit made by him upon information and belief?

Mr. HEIMKE. I already stated that, that many times we tried that, to keep the public aware that we were trying to do a job.

Senator ERVIN. In the case of the salesman who was trying to sell, I believe you said, a Mercury automobile to a nonstriker and some striker came along and struck the nonstriker in the back, did the police force investigate that and find out who the name of the man committing that assault and battery was?

Mr. HEIMKE. The one assaulted upon refused to identify his assailant. He says, "I don't want to have anything to do with it. I don't want the police to investigate it. Forget about it."

Senator ERVIN. And the salesman did not know him?

Mr. HEIMKE. Did not know him, and he was new there. They had just taken over the agency in town and they didn't want to become involved.

Senator ERVIN. You told about when you were down there at the clay boat, that there was a tremendous number of people there, some of whom you knew to be strikers, some of whom you knew to be sympathizers with strikers, and some of whom you knew to be merely curious onlookers. That is correct, isn't it?

Mr. HEIMKE. That is right.

Senator ERVIN. Under circumstances like that, a peace officer, either a policeman, a sheriff, or a deputy sheriff, is in a rather difficult position, isn't he?

In other words, I imagine you have such weapons as a pistol and a billy stick.

Mr. HEIMKE. We only had our sidearms. We didn't even carry clubs into the area because we were afraid they might have been taken away from us and used against us.

Senator ERVIN. And you wouldn't use your sidearms except as a last resort, to protect yourself against serious injury, because you

didn't want to fire into the crowd and kill anybody or injure anybody with a firearm, and you realized you were just about as likely to hit an innocent onlooker as you were one of the participants, weren't you?

Mr. HEIMKE. We were resigned to the fact that we had to try to keep the lid on this situation without it getting any more out of control than it was.

Senator ERVIN. That is right. As you mentioned, there was a great deal of fear and tension built up in the community.

Mr. HEIMKE. That is right.

Senator ERVIN. And any kind of an instrument under those circumstances is likely to create a condition under which a multitude of people could be seriously injured or killed, isn't that true?

Mr. HEIMKE. That is right.

Senator ERVIN. And in those cases, it is impossible for a handful of peace officers to arrest several hundred people.

Mr. HEIMKE. That is right.

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. Did you say someone in the company or someone working for a detective agency in the employ of the company, came to you and talked about bugging or tapping a room?

Mr. FRANKS. No, I did not say that.

Senator KENNEDY. The gentleman on the right. Did you say it, Chief?

Mr. HEIMKE. They came in asking information about tapping.

Senator KENNEDY. Do you mean how it was done?

Mr. HEIMKE. No.

Senator KENNEDY. What information did they want?

Where they could get the equipment?

Mr. HEIMKE. No.

Senator KENNEDY. What did they want?

Mr. HEIMKE. They just wanted to know where the room was and the availability of the room for tapping.

Senator KENNEDY. What did you tell them?

Mr. HEIMKE. I told them I didn't know what room they were in, and I didn't know what the capacity was for tapping.

Senator KENNEDY. That is a most interesting conversation, Chief, that I think I have heard between a detective agency and a chief of police, about tapping a room, and to come to the chief of police to find out where the room is, and have the chief tell them what the availability is and size of the room.

Do you feel that any citizen that comes in who wants to tap another citizen's room, you will give him that information if you can?

Mr. HEIMKE. You may not be aware of law enforcement in Wisconsin. We have good, clean law enforcement, and we have never tapped a line, we have never bugged a room. We do not have the equipment and we do not intend to get equipment.

Senator KENNEDY. Chief, with that strong view, why is it that you seemed so willing to be helpful in this case? Why would they come to you at all?

Mr. HEIMKE. Well, Elmer Madson and I have been friends for 20 years.

Senator KENNEDY. So the head of the detective agency came to the chief of police to ask him questions about the possibilities of tapping a room?

Mr. HEIMKE. That is right. That conversation took only a matter of a couple of minutes and it was dropped.

Senator KENNEDY. The important point is not how long it took. The fact is the conversation took place; if your attitude was such that the head of the detective agency felt that it was possible to come to you, even though he was about to commit an illegal act, and ask your assistance.

Mr. HEIMKE. They have to commit the illegal act first.

Senator KENNEDY. Isn't it the truth of the fact that you were a party to that, because they came to discuss the matter with you?

Mr. HEIMKE. Discussion is no violation.

Senator KENNEDY. I think if it went before the jury, they would hold that you were a party to the violation, because you received information about it.

Mr. HEIMKE. I received nothing about the tapping. I don't think they got in there. If they did, they would have given me the information.

Senator KENNEDY. The fact is, you did not warn them not to tap, but, in fact, you cooperated with them in an illegal act. That makes you a party to it, if it took place.

Mr. HEIMKE. No, I don't think so.

Senator KENNEDY. Why doesn't it?

Mr. HEIMKE. Because it was just conversation. He is familiar with the laws of the State of Wisconsin. If he wants to violate them, that is his responsibility.

Senator KENNEDY. All right, now, Chief——

Mr. HEIMKE. If somebody signs a complaint, I would have to arrest him.

Senator KENNEDY. If bandits came along and asked you the location of the First National Bank and how to get in there, what the guards were, and the conversation took 2 minutes, and the bank was later robbed, do you think you would be a party to that illegal act?

Mr. HEIMKE. There is no comparison.

Senator KENNEDY. Why isn't there?

Mr. HEIMKE. Elmer Madson, a former member of the FBI and with a nationwide detective agency, I have the greatest confidence in his ability, and if he could be of some assistance to us without our department becoming involved, that was—he was hired to do a job.

Senator KENNEDY. Chief, that is the strangest statement of responsibilities of a law officer of Wisconsin or any other State that I have heard. If your sensitivity to illegality is so dull that you did not see that you were a party to an illegal act, it puts in question many of your actions in this whole strike.

Mr. HEIMKE. First of all, the act has to be committed for it to become illegal.

Senator KENNEDY. Do you know whether it was committed?

Mr. HEIMKE. To my knowledge it was not committed.

Senator KENNEDY. Are you ready to say whether it was committed?

Mr. HEIMKE. I do not know for sure. Elmer Madson is the only one that would know.

Senator KENNEDY. That is all.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I think we are on an important phase right now. We are talking about an illegal act. Let's find out if there was one.

To the best of your knowledge, was an illegal act committed in the nature of tapping a room in the Grant Hotel?

Mr. HEIMKE. No.

Senator MUNDT. To the best of your knowledge, no such act was committed?

Mr. HEIMKE. That is right.

Senator MUNDT. So as far as we know, you were not a party to a conversation about an illegal act, but it was talk about whether or not a room could be tapped, and whether or not you had any equipment. You said you had no equipment. I think as you said in your earlier testimony, your police department would not cooperate in this procedure.

Mr. HEIMKE. That is right.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Chief, do you have any authority to go beyond the city of Sheboygan on a legal process of any kind?

Mr. HEIMKE. No. It is the sheriff that goes beyond.

Senator CURTIS. But you as one of the police force of the city are limited to the city limits, is that correct?

Mr. HEIMKE. That is right.

Senator CURTIS. So you would have no authority to go elsewhere in the State of Wisconsin and serve any kind of process, would you?

Mr. HEIMKE. That is right.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator CURTIS. In reference to investigating, you can, of course, get information from voluntary witnesses, can you not, if they will volunteer?

Mr. HEIMKE. That is correct.

Senator CURTIS. If the individual that you are talking to is himself a suspect, you can pick him up for investigation, can't you?

Mr. HEIMKE. Within our jurisdiction.

Senator CURTIS. Yes. Is there a time limit on how long you can hold him without formally filing charges against him and arraigning him? You do not have to tell me how long it is.

Mr. HEIMKE. The courts state a reasonable length of time.

Senator CURTIS. And can you compel such a person who is a suspect to take an oath and answer your questions?

Mr. HEIMKE. No, we cannot. It has to be voluntary.

Senator CURTIS. If witnesses do not volunteer to give you information, can you, in the course of investigating something before any charges are filed, subpoena witnesses and put them under oath and get their testimony?

Mr. HEIMKE. No, we can't, except under grand jury.

Senator CURTIS. Except under grand jury proceeding. And, of course, you have no authority in interstate matters?

Mr. HEIMKE. No, we don't.

Senator CURTIS. You have no authority to go beyond the boundaries of Wisconsin, to trace material whether it is dynamite or paint or anything else, do you?

Mr. HEIMKE. No, we don't.

Senator CURTIS. Would you have authority to gather a dozen or two dozen individuals, subpoena them, and some of them might be in Wis-

consin, some of them might be in Sheboygan, and some of them might be in Michigan, would you have authority to bring a group together, place them under oath, bring them in one at a time, separated from each other so they do not hear each other's testimony, and question them under oath concerning what they knew of vandalism or property damage or the making of bombs out of light bulbs or fruit jars? Could you conduct such a procedure?

Mr. HEIMKE. No; we have no authority.

Senator CURTIS. Now, in addition to that, you have stated that you felt that you did not get cooperation to the fullest extent, to the extent that you should reasonably expect, from the sheriff; is that correct?

Mr. HEIMKE. We thought we could get more and should get more.

Senator CURTIS. You also felt that you were under wraps, at least to a degree, from your own mayor; is that correct?

Mr. HEIMKE. That is correct.

Senator CURTIS. That is all.

The CHAIRMAN. I have just a question and then I hope we can quit. How many grand juries have met since 1954 in that county?

Mr. HEIMKE. None.

The CHAIRMAN. You haven't had a grand jury all during that time?

Mr. HEIMKE. We have not had a grand jury.

The CHAIRMAN. In most States they meet regularly. I didn't know. How is the grand jury called?

(The witnesses conferred with each other.)

Mr. HEIMKE. The request of the district attorney to the governor.

The CHAIRMAN. And in spite of all this vandalism, a grand jury that would have the power of subpoena and call them in and taking their testimony under oath outside of the presence of other witnesses, in spite of the power to do that, that action has not been taken by the law enforcement officials of your county; has it?

Mr. HEIMKE. That is correct.

The CHAIRMAN. In 4 years' time; all right.

Let me ask you one other question. Did you see the law violated down there at the docks on July 5, 1955, on the occasion you testified to? Did you see anyone violate the law there, the criminal law?

Mr. HEIMKE. No; I did not. We were only in a small area, and you just couldn't see anything. There were hundreds of people around you, pushing, shoving, punching, name calling, and that, in my opinion was not enough—

The CHAIRMAN. You did not see the law violated?

Mr. HEIMKE. No; I did not, except for the mob incident, the pushing, and that was no violation of criminal law.

The CHAIRMAN. If you had seen the law violated in your presence, would you have the authority to make an arrest?

Mr. HEIMKE. I would have.

The CHAIRMAN. And you say under oath now you did not see the law violated?

Mr. HEIMKE. I hope we are thinking about the same thing.

The CHAIRMAN. I am thinking about just exactly what I said, about what I asked you.

Mr. HEIMKE. There were acts of vandalism committed, such as the cutting of the air hose and the punching of the tires, the slashing of the tires, the letting air out of the tires, the pulling of the wires off of the distributor.

The CHAIRMAN. Is that a violation of the law?

Mr. HEIMKE. That is a violation of the law. The windows were broken; but I only saw it after it happened.

The CHAIRMAN. You didn't see it happen?

Mr. HEIMKE. I didn't see it happen.

The CHAIRMAN. In other words, there was no act committed in your presence?

Mr. HEIMKE. That was typical of the events down there, when an officer was present——

The CHAIRMAN. I am not arguing that. You were unable to see the commission of any offense, any criminal offense, during the time you were there?

Mr. HEIMKE. That is correct.

The CHAIRMAN. You do know criminal offenses were committed, that is, you have strong circumstantial evidence, the cutting of tires and other evidences of vandalism, that offenses were committed while you were there, but you didn't see them?

Mr. HEIMKE. That is right.

The CHAIRMAN. How often do your criminal courts meet in that county?

Mr. HEIMKE. We have an upper and lower branch of the municipal court and they meet daily.

The CHAIRMAN. I am talking about the one that has authority to call a grand jury.

Mr. HEIMKE. They meet in spring and fall sessions.

The CHAIRMAN. Twice annually?

Mr. HEIMKE. That is right.

The CHAIRMAN. So some 7 or 8 occasions have passed when a grand jury could have been assembled and these people called in there and put under oath and interrogated about these offenses?

Mr. HEIMKE. There was a movement under way at one time to call one, but I don't know whatever happened to it. It never materialized.

The CHAIRMAN. The movement didn't bring fruition, did it? There was none called?

Mr. HEIMKE. None called.

The CHAIRMAN. I just want to point this out. I am not trying to be critical. It seems to me to be 1 of 2 things: Either the people down there just got in such a state of mind they didn't want anything done, or the officers have been negligent in their duty by not using the instrumentalities of law at their command to try to find out who were committing these acts. I don't know which it is, but it seems to me there could be no excuse, with all this vandalism down there, and all of this national publicity growing out of these incidents and this long strike, that there could be no excuse for the officers having the responsibility to do it not to call a grand jury and not to bring these suspects in and interrogate them under oath.

Mr. HEIMKE. Senator, you have never lived in a town that has been so obsessed with fear, fear to speak out against the things that were wrong, to speak up for the things that are right. They absolutely refuse to come forward and assist law enforcement. They let us stand alone.

The CHAIRMAN. Does that apply to the officers, too?

MR. HEIMKE. The officers? No. They were trustworthy. They were doing everything possible to ferret out the perpetrators of these crimes. Our hands were tied.

THE CHAIRMAN. Wait a minute. They haven't done everything possible. I am not talking about you. But law-enforcement officers that have the power to install a grand jury—and that isn't the right word at the moment—impanel a grand jury to inquire into these things under oath. You can't tell me that they fully discharged their duty under these circumstances.

(The witnesses conferred with each other.)

MR. HEIMKE. That power for the request comes from the district attorney of Sheboygan County.

THE CHAIRMAN. I don't know the district attorney, but I am pointing out that here we are trying to investigate 4 years later and find out who is responsible for some of these acts of violence, and we are doing it in spite of the fact that local officials who had the duty and obligation under their oath to do it have not even undertaken to do it with the instrumentalities at their command.

Are there any other questions?

If not, thank you very much.

You may stand aside.

Senator MUNDT. Mr. Chairman?

THE CHAIRMAN. Senator Mundt.

Senator MUNDT. Are these witnesses coming back after lunch?

THE CHAIRMAN. They may, if you need them.

They may stand aside for the moment, if you prefer to question them after lunch.

MR. RAUH wanted to file an affidavit this morning, for the record, but I asked him to wait since there were only two members here.

You may make your request.

MR. RAUH. This is an affidavit by Emil Schuette, dated yesterday. He is the man referred to in Mr. Rand's testimony as the man Mr. Rand asked, as the leading labor official in Sheboygan, to tell the people to go home from the clay-boat incident.

We have this affidavit explaining Schuette's part and Rand's part in the clay-boat incident, and we would like to read it into the record, Mr. Chairman.

THE CHAIRMAN. What is the pleasure of the committee?

I understand it is sworn to.

MR. RAUH. It is sworn to, sir, before a notary of the District of Columbia.

Senator CURTIS. Is Mr. Schuette here?

MR. RAUH. Mr. Schuette is not here. He was here when he was referred to yesterday. I believe Mr. Rand suggested he was available. We have made it known that he was available. He can come back if you would like to have him.

Senator CURTIS. Where is he now?

MR. RAUH. In Sheboygan, where he lives.

Senator CURTIS. He went home yesterday?

MR. RAUH. Yes, sir. But we got the affidavit before he left. We wanted the affidavit at least.

Senator ERVIN. Mr. Chairman, if the witness can be obtained, I would prefer to have the witness in person.

Senator CURTIS. I shall not insist on it. I feel that we may want him later, but I am not going to be technical about the evidence here, because I just don't believe we should.

The CHAIRMAN. This affidavit is sworn testimony now. It is up to the committee to decide. Are you going to receive it or reject it?

Senator KENNEDY. I move we receive it.

Senator ERVIN. Mr. Chairman, I may be charged with being technical, but my experience has been that when you reduce a witness' statement to writing, that testimony of George Washington and that of Ananias would look exactly the same. I am not making any statement about this witness.

The CHAIRMAN. You may submit the affidavit for the committee to consider during the noon hour. We will determine when we reconvene.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:20 p. m., a recess was taken until 2 p. m. of the same day. Present at the recess: Senators McClellan, Ervin, Kennedy, Curtis, and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan, Ives, Mundt, Goldwater, and Curtis.)

The CHAIRMAN. The Chair makes the following announcement: When we recess this afternoon, we will recess until 10 o'clock on Tuesday morning. Some of us need a rest. Somebody told me that was St. Patrick's Day. I asked who he is. I will find out in the meantime.

The witness will please come forward.

In the meantime, Mr. Rauh, please come forward.

Gentlemen of the committee, do you remember we had a request just before adjournment this morning to insert in the record an affidavit by a man whose name has been mentioned here with respect—I have forgotten what, but it has been mentioned.

Is there any objection to this affidavit going into the record?

Senator MUNDT. Mr. Chairman, I was going to suggest, but we did not get a chance to discuss that during noon, since we have, I think, a precedent of accepting affidavits as part of the testimony, it seems to me it would be perfectly all right to do that in this case.

The CHAIRMAN. I do not think the affidavit is awfully important, but it does go directly, in one paragraph to one thing here which has been at issue.

Senator MUNDT. I did feel, however, that we should follow the usual practice of having the affidavit printed in the record, rather than having it read by a witness who is not a party to the affidavit. If it is important enough to read orally, it is important enough to have the witness appear.

The CHAIRMAN. I said yesterday we were reading, telegrams and so forth that were not sworn to and even letters that were not sworn to, into the record.

Senator MUNDT. In my opinion, I think the Chair is correct. I think a letter from a preacher and an affidavit are about the same category.

The CHAIRMAN. There is a legal difference, at least. Proceed to read the affidavit.

Mr. RAUH. (Reading)—

Emil Schuette, being first duly sworn on oath, deposes and says that he resides in the city of Sheboygan, in the county of Sheboygan, and lives at 909 South 14th Street. That he is married and has two children. He is 45 years of age and is presently the president of the Sheboygan County Labor Council, being the merged organization of the AFL-CIO; that this merger took place June 12, 1957, and was the first completed merger of any single body in the State of Wisconsin.

That the Sheboygan County Labor Council is composed of all the AFL-CIO unions in Sheboygan County; that he was formerly president of local 325 of the Amalgamated Meat Cutters and Butcher Workmen of North America, and was its president for 5 years; that he is now a member of the Sheboygan County board as a supervisor from the sixth ward of the city of Sheboygan.

That on July 5, 1955, he was at the Hildebrant docks where the so-called clay-boat incident took place; that he arrived there sometime shortly after 3:30 in the afternoon; that he saw hundreds of people from the city of Sheboygan and having been born in the city of Sheboygan, he knows many people in that vicinity; that he knows of his own knowledge a large majority of the people present, men, women, and children who were not Kohler strikers.

That the weekend of July Fourth is the designated vacation week for practically all the workers in the Sheboygan factories and people were on vacation. That he has been close to the Kohler strike since 1934 when he was a member of the National Guard who disarmed the village deputies following the riot of July 27, 1934.

That he has been a member of organized labor since 1933 and has been close to the labor movement particularly the Kohler strike. That he talks to many people both in the labor movement and in the business and professional field, and believes that the overwhelming majority of the people in Sheboygan are wholeheartedly in support of the strike and sympathize with the Kohler union; and that in his opinion a great amount of people that came to the docks when they heard that the Kohler Co. was going to unload some clay for the Kohler factory were there because of the great amount of publicity that was given in the newspapers and over the radio concerning the unloading of this clay.

That he became aware of the unloading of the clay when he returned from playing golf and his wife told him that she had heard about the unloading of the clay over the radio. He drove down and upon arriving at the scene he noticed a great concentration of people milling around, trying to look for something of interest, and not a group of people intent to do any bodily harm or property damage, but rather a crowd that exhibited a holiday mood, people visiting, talking to each other, laughing, and just having a good time. That many of these people were going in and out of taverns in the neighborhood.

That he saw Don Rand about 6 in the evening and that Don Rand told him that inasmuch as he did not know many of the people that he urged him to talk to as many people as he could and urge them to go home. At that particular time they were attempting to move from the area some equipment. He realized immediately that the removal of the equipment would be conducive to getting the crowd to be more orderly. He climbed upon the equipment and spoke up in a loud voice to the people to please get away from the equipment so we could get the equipment out of the area and go home.

That he did urge people by gestures and speech to move away from where the equipment was located. That after the equipment was moved out of the area he mingled with the crowd and discouraged them to refrain from remaining on the scene. Many of these people knew him because he presided over and spoke at almost every annual Labor Day picnic and many knew him as a labor leader and, therefore, would listen to him and leave the scene. That he then went home.

(Signed) EMIL C. SCHUETTE.

Subscribed and sworn to before me this 13th day of March 1958.

(Signed) SAMUEL H. BLUMENTHAL,
Notary Public, District of Columbia.

Thank you, Mr. Chairman.

The CHAIRMAN. Call the next witness.

Do you want the witnesses to return who were on the stand before lunch?

Mr. KENNEDY. Chief Heimke and Captain Franks.

TESTIMONY OF STEEN W. HEIMKE AND OAKLEY FRANKS—Resumed

The CHAIRMAN. Senator Mundt?

Senator MUNDT. You are Captain Franks?

Mr. FRANKS. I am; yes.

Senator MUNDT. When we left off this morning, we were going into another line of questioning, but you were talking about a man whose name, I believe, was Silvia; is that right?

Mr. FRANKS. Yes; I would like to—

Senator MUNDT. At that place we left off. First, I would like to ask you: There was some question about whether or not you and/or others were trying to get the man drunk. I would like to ask you the question under oath: did you get him drunk?

Mr. FRANKS. No; we did not get him drunk.

Senator MUNDT. As I understand it, you were up at the Elks Hall, you had had a few drinks before dinner, you had dinner and somebody had talked to him to try to get him to indicate some evidence as to some of these acts of violence and vandalism. Somebody came back and said, "I believe that he is going to talk."

If I recall, your last statement was to the effect that Mr. Silvia or somebody had said that he wanted to talk to your former boss, your former police chief. Is that correct?

Mr. FRANKS. No; that is not correct, Senator.

Senator MUNDT. Straighten out the story of the Elks Club and finish it. It was left hanging someplace in midair.

Mr. FRANKS. First of all, I think you should understand that the incident that Mr. Silvia was taken to Madison for did not occur in Sheboygan County. That was the car that was dynamited, I believe it was in St. Cloud or somewhere in Fond du Lac County.

Senator MUNDT. This is where you said there was a light kind of unusual dynamite located in Iron Mountain, Mich.; is that it?

Mr. FRANKS. Chief Heimke told you that; yes.

Senator MUNDT. Pick up your story.

Mr. FRANKS. Silvia was a resident of the city of Sheboygan. I, at the time, was not in a position of command. I was working as a detective. I was assigned by former chief, Walter Wagner, to accompany these people to Madison as an observer. I had nothing to do with controlling the situation in any fashion whatsoever.

The suggestion was made that we got this party drunk. That is not the truth. The suggestion was made that the man had reached the point where the test from the polygraph machine indicated that he might have some possible knowledge of these dynamitings. The suggestion was made to, I believe it was Sheriff Lemuy, that on the way home possibly if they bought him a drink or two he might relax a little bit and we might get the information that he was seeking.

I do not believe that the man had over three drinks. I think it should be pointed out that the man was approximately 30 years of age, at least, and he knew very well what we was doing.

I would like at this time to try and identify Mr. Silvia a little better for a matter of the record. I assume this is William Silvia we are talking about. I believe the man is now a patient in a mental institution in Massachusetts. Is that the man we are talking about?

Mr. KENNEDY. I believe it is.

Mr. FRANKS. Thank you.

Senator MUNDT. What I was trying to get to is this: You said something near the end of your testimony to the effect that Silvia wanted to talk to a police chief, did you not?

Mr. FRANKS. That is correct.

Senator MUNDT. Did he talk to the police chief?

Mr. FRANKS. I believe Sheriff Lemuy left Mr. Silvia in his county jail and he returned me to the city of Sheboygan, and 3 days passed. Mr. Lemuy called and asked if Chief Wagner was going to come over and see this man. I told him that I had so informed the chief. After 3 days I was sent back to Fond du Lac and I returned Bill Silvia to the city of Sheboygan from where he was released.

Senator MUNDT. That does not quite answer the question. Did Mr. Silvia talk to Chief Wagner?

Mr. FRANKS. I say, Senator, I do not know for certain. I know that he did not talk to him in Fond du Lac. Just 2 weeks prior to my being subpoenaed before this committee, I had a conversation with Sheriff Lemuy and we reviewed this situation. At that time he told me that Chief Wagner had not come over to see this man.

Senator MUNDT. That he, Chief Wagner, did not go to Fond du Lac to talk to him?

Mr. FRANKS. That is correct.

Senator MUNDT. I take it that it follows that no information came out of Silvia's testimony which enabled you to solve the dynamite incident?

Mr. FRANKS. That is correct, Senator.

Senator MUNDT. That is all.

The CHAIRMAN. Who accompanied you on that trip when you had Silvia and were taking him back?

Mr. FRANKS. Well, there was myself, Mr. Al Adams, Sheriff George Lemuy, Fond du Lac County and District Attorney Eugene McKezie, of Fond du Lac.

The CHAIRMAN. Was Mr. Madson along?

Mr. FRANKS. No, he was not.

The CHAIRMAN. Mr. Adams—is that V. A. Adams?

Mr. FRANKS. Mr. Chairman, I only know him as Al Adams. He was associated with Elmer Madson at the time.

The CHAIRMAN. He was associated with him?

Mr. FRANKS. Yes.

The CHAIRMAN. Did you ever see the report that they made to the company on the trip?

Mr. FRANKS. No, I did not.

The CHAIRMAN. How many bars did you say you stopped at? I understood this morning you stopped at a club.

Mr. FRANKS. Yes, we stopped and we had dinner. I think it was the Elks Club. I would not want to be held to that. I know it was some fraternal organization of some sort.

The CHAIRMAN. Let me read you part of a paragraph from Mr. Adam's report, or from the Madison Detective Agency's report on it. Then you can just tell me whether it is correct, whether it is true or untrue according to your knowledge of it. I read:

Upon returning Silvia to Fond du Lac, Wis., stops were made at numerous bars where he was poured double shots of whisky which he drank, and he actually began indicating that James Kurtz was the individual he suspected of being responsible for the dynamitings occurring in the city of Sheboygan.

Would you say that was accurate reporting?

Mr. FRANKS. Well, I would take exception to the words, "numerous bars," Mr. Chairman. I do not believe that that is an accurate report.

The CHAIRMAN. What did he say about James Kurtz?

Mr. FRANKS. I believe that he did mention—Mr. Chairman, let me point this out to you again, that I was strictly an observer. I had no charge of that individual, nor did I have any control of their taking him off to a corner and talking to him or anything like that.

The CHAIRMAN. I am not questioning that, but there is a little discrepancy in your testimony and this report.

Mr. FRANKS. That is what I am trying to explain to you. There were occasions when I was not in that group.

The CHAIRMAN. That could be true.

Mr. FRANKS. As far as the double shots, I would not argue with that.

The CHAIRMAN. This says "stops were made at numerous bars." I understood you this morning to say it was just at one club where you ate dinner.

Mr. FRANKS. I only mentioned one, Mr. Chairman. I recall that we did make another stop. I believe we did.

The CHAIRMAN. So there would be two instead of several or numerous stops?

Mr. FRANKS. Two that I can say for certain, Senator, yes.

The CHAIRMAN. In other words, there were 2 and if 2 is numerous, this report is accurate?

Mr. FRANKS. That would have to be taken at its face value, then.

Senator MUNDT. Now that we have a suspect in the case, Mr. Kurtz, did you or your superiors proceed to investigate whether or not there was any validity to the assumption that Mr. Kurtz might have been involved in this dynamiting?

Mr. FRANKS. Yes, we did, Senator. I would like to point out to you that I, myself, never did put too much stock in Mr. Silvia's testimony, or to his statements. There was some question in my mind as to whether he really did know anything about this.

It was all basically rumor that the investigation was started on. We did, I recall, put a plant on Mr. Kurtz's home. He did state that there were some blocks, some square blocks, that he described that were in the garage of Mr. Kurtz, piled in between the 2x4's, the uprights on the concrete foundation. We checked that. That was not true.

While Mr. Kurtz is known to law-enforcement people in the city of Sheboygan, I seriously doubt that he would engage in that type of operation. But we did have a surveillance on his home. Nothing materialized. We tailed him. Nothing developed that would tie him in with this at all.

Senator MUNDT. So he was neither arrested nor prosecuted for the charge?

Mr. FRANKS. Definitely not.

The CHAIRMAN. Thank you very much.

Call the next witness.

(Members of the select committee present at this point were Senators McClellan, Ives, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. Has Congressman Hoffman arrived?

Mr. KENNEDY. Mr. Grunewald.

The CHAIRMAN. Mr. Grunewald, please come forward.

Is Mr. Grunewald here? Does anyone know where he is? Have the policeman call him or page him.

Mr. KENNEDY. Lieutenant Zimmerman, come forward, please.

The CHAIRMAN. Lieutenant Zimmerman, come forward, please.

You do solemnly swear that the testimony you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth so help you God?

Mr. ZIMMERMAN. I do.

TESTIMONY OF CLARENCE R. ZIMMERMAN

The CHAIRMAN. State your name, place of residence, and business or occupation.

Mr. ZIMMERMAN. My name is Clarence R. Zimmerman. I live at 1538 Block Court in the city of Sheboygan, Wis. I am a lieutenant of police of the Sheboygan Police Department and I waive counsel.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Counsel.

Mr. KENNEDY. Lieutenant, how long have you been in the police department?

Mr. ZIMMERMAN. Twenty-five years, sir.

Mr. KENNEDY. Were you present during the clay-boat incident?

Mr. ZIMMERMAN. I was

Mr. KENNEDY. You were down at the dock at the time?

Mr. ZIMMERMAN. Yes, sir.

Mr. KENNEDY. What time did you arrive at the dock?

Mr. ZIMMERMAN. Approximately 8 o'clock, sir.

Mr. KENNEDY. You stayed down there to what time?

Mr. ZIMMERMAN. Until about 5 o'clock in the afternoon.

Mr. KENNEDY. During that period of time while you were down there, did the crowd of people that were down there seem to have any direction as to what was going on?

Mr. ZIMMERMAN. Well, there were some members of the union down there.

Mr. KENNEDY. Did they appear to you to be directing the crowd?

Mr. ZIMMERMAN. More or less so; yes.

Mr. KENNEDY. Who were some of those people?

Mr. ZIMMERMAN. Donald Rand, Robert Treuer.

Mr. KENNEDY. In what way did they appear to be directing the crowd?

Mr. ZIMMERMAN. Well, he was standing in front of the picket line when I arrived there.

Mr. KENNEDY. That is a picket line in the morning?

Mr. ZIMMERMAN. That is correct, sir.

Mr. KENNEDY. This was this group of people that were walking back and forth?

Mr. ZIMMERMAN. Back and forth in front of the gate of the dock.

Mr. KENNEDY. Who was "he"? Who was doing that, Donald Rand or Treuer? Which one, or both?

Mr. ZIMMERMAN. Donald Rand; and Robert Treuer was standing there also.

Mr. KENNEDY. And you say that they appeared to be directing, at least it appeared that they were directing those people walking back and forth?

Mr. ZIMMERMAN. That is correct.

Mr. KENNEDY. Did they make any statement at that time or indicate to you that they were not going to allow the clay boat to be unloaded?

Mr. ZIMMERMAN. That is correct.

Mr. KENNEDY. What did they say to you and who said it?

Mr. ZIMMERMAN. When I arrived there, I gave orders that the entrance to the gate should be open. There was a car parked in front of the entrance.

Mr. KENNEDY. Whose car was that?

Mr. ZIMMERMAN. That was Robert Treuer's car.

Mr. KENNEDY. Yes?

Mr. ZIMMERMAN. And Donald Rand came up to me and said, "Lay off." He said, "We have to try to make this as costly to the Kohler Co. as we can."

Mr. KENNEDY. Donald Rand said that to you?

Mr. ZIMMERMAN. That he said to me; yes.

Mr. KENNEDY. Right from the beginning early in the morning there seemed to be an indication that the union, at least as far as the spokesman, Donald Rand, was concerned, was going to take every step possible to prevent the unloading of the boat?

Mr. ZIMMERMAN. That is correct, sir.

Mr. KENNEDY. Later on, more and more people arrived; is that right?

Mr. ZIMMERMAN. That is correct.

Mr. KENNEDY. Mr. Rand, or Mr. Treuer, or any other union official, did they take any step to try to have those people go home or get away from this area?

Mr. ZIMMERMAN. Not to my knowledge.

Mr. KENNEDY. Did they appear to be directing the crowd at all?

Mr. ZIMMERMAN. Like I stated, more or less so, yes.

Mr. KENNEDY. What do you mean "more or less"? What did they do?

Mr. ZIMMERMAN. Well, trying to keep the picket line intact in front of the gate.

Mr. KENNEDY. What were they doing?

Mr. ZIMMERMAN. Well, they told them not to leave the equipment in.

Mr. KENNEDY. What do you mean? That is early in the morning. Later on, what were they telling them?

Mr. ZIMMERMAN. Well, I did not see too much of them after that. I believe I saw Mr. Rand again when, right around dinnertime, Mr. Biever came down in the police-detective car.

Mr. KENNEDY. Mr. Biever came down in the evening?

Mr. ZIMMERMAN. At noon, I would say.

Mr. KENNEDY. At noon?

Mr. ZIMMERMAN. Yes.

Mr. KENNEDY. And for what reason did Mr. Biever come down?

Mr. ZIMMERMAN. I wouldn't know why he came down.

Mr. KENNEDY. Did that get the people very excited?

Mr. ZIMMERMAN. Yes; it did.

Mr. KENNEDY. The fact that he came down?

Mr. ZIMMERMAN. That it did.

Mr. KENNEDY. Do you think it was a mistake bringing him down at that time?

Mr. ZIMMERMAN. I do not know what the feeling is toward Mr. Biever. I have never worked for the Kohler Co. I have never been in their plant. What their feeling is toward him, I don't know.

Mr. KENNEDY. I understand that. I just asked on the question of bringing Mr. Biever to the dock, at that time, did you feel that was a mistake?

Mr. ZIMMERMAN. Yes. It seemed to excite the crowd more than they were.

Mr. KENNEDY. More than anything else?

Mr. ZIMMERMAN. Yes; I would say so.

Mr. KENNEDY. More than what? I did not hear.

Mr. ZIMMERMAN. Yes; it would.

Mr. KENNEDY. What did Mr. Rand do during this time?

Mr. ZIMMERMAN. Well, he was running around the detective car and the people were reaching inside the car trying to get at Mr. Biever. So I got my detective to get back into the car and get out of the area, because the preservation of human life was my primary interest at that time.

Mr. KENNEDY. What about Mr. Rand? What did he say?

Mr. ZIMMERMAN. I don't remember him saying anything at that time. There was too much shouting going on at that time.

Mr. KENNEDY. Did you see him later on in the evening?

Mr. ZIMMERMAN. No; I was relieved from duty about 5 o'clock that afternoon.

Mr. KENNEDY. Were there any other union officials there who seemed to be directing the crowd?

Mr. ZIMMERMAN. I would say not. I don't know who the officials are, and I know a lot of the local people that were there, but when you say "officials," do you mean local or international or who?

Mr. KENNEDY. Local or international officials.

Mr. ZIMMERMAN. I did see Allan Grasskamp there earlier in the evening, and he was standing across the street, and that is the only time I saw him during the day.

Mr. KENNEDY. Was he taking an active part?

Mr. ZIMMERMAN. No, sir; he did not.

Mr. KENNEDY. Now, did you see a lot of people that you knew down there?

Mr. ZIMMERMAN. Well, after 25 years on the police department, you get to know quite a few people in the community.

Mr. KENNEDY. What was the makeup of the crowd?

Mr. ZIMMERMAN. It was a mixed crowd, as has been testified before. It was the week of July where most of the factories close for vacation, and there were many union people down there, and there were also, I believe, many sympathizers and curiosity seekers which always come to a crowd.

Mr. KENNEDY. So it was made up of union sympathizers and people who were just curious about this crowd of people, is that right?

Mr. ZIMMERMAN. That is correct, sir.

Mr. KENNEDY. Was there any way in which to exercise greater control over the crowd, in your estimation?

Mr. ZIMMERMAN. Well, I asked—or let me state: Before I left headquarters, or when I was detailed down there, I told my lieutenant, who was Lieutenant Splinter at the time—it is customary procedure—I told him to hold the midnight shift back, which is a shift that works from midnight to 8 in the morning, which at that time constituted approximately 15 men. That precaution I used, and I found out later that they were sent home.

Mr. KENNEDY. But you could have definitely used them down at the dock?

Mr. ZIMMERMAN. I could have used all available manpower we had, yes, sir.

Mr. KENNEDY. Whose responsibility was it at that time for not making these other men available to you?

Mr. ZIMMERMAN. Well, I believe it would be the chief's responsibility.

Mr. KENNEDY. That was Mr. Wagner at the time?

Mr. ZIMMERMAN. That is correct.

Mr. KENNEDY. But to deal with such a large crowd, in the mood that this crowd was in, you needed every available man?

Mr. ZIMMERMAN. Every available man; yes, sir.

Mr. KENNEDY. Was there anything, or did you suggest anything to be done to deal with this crowd?

Mr. ZIMMERMAN. After the station wagon incident, I did call headquarters and told them what the situation was. After the crane incident, I sent the dispatch writer up to report.

At noon I went up personally and reported. I received no help all day.

Mr. KENNEDY. You did not?

Mr. ZIMMERMAN. No.

Mr. KENNEDY. They didn't furnish you with any extra people?

Mr. ZIMMERMAN. I was sent down there with 4 or 5 officers to deal with a crowd that ran into thousands later on.

Mr. KENNEDY. Did you suggest that the hoses be turned on the people?

Mr. ZIMMERMAN. No, sir. The only time that I called the fire department was when the gasoline started running over the road, and I was afraid someone would light a cigarette and hundreds of people would have been burned.

Mr. KENNEDY. Would you advocate such a suggestion, that the hoses be turned on the people?

Mr. ZIMMERMAN. I didn't have that authority.

Mr. KENNEDY. Do you think that would have been a good suggestion at the time?

Mr. ZIMMERMAN. At that time the crowd was in such a turmoil, I don't think it would have helped.

Mr. KENNEDY. Mr. Heimke, the witness who preceded you, indicated that that is what he suggested at that time, and that suggestion was not followed.

Mr. ZIMMERMAN. It is a matter of opinion, and I don't know if it would have helped at that time.

Senator MUNDT. You heard Captain Heimke's testimony, did you?

Mr. ZIMMERMAN. Yes, sir.

Senator MUNDT. I think that he said in response to an inquiry that in his opinion the crowd was about half comprised of strikers, and union men, and their sympathizers; and the other half were standers-by or curiosity seekers.

Would you think this was a good estimate, or would you change it?

Mr. ZIMMERMAN. I would go along with his estimate there. It is hard to determine.

Senator MUNDT. There was nobody making a count and tabulating or keeping score, but we are trying to get a rough estimate.

Mr. ZIMMERMAN. That is right.

Senator MUNDT. Were you there at the time, by the way, Lieutenant Zimmerman, when the station wagon or the automobile station wagon finally was escorted by the police out of the gate?

Mr. ZIMMERMAN. I was.

Senator MUNDT. I would like to ask you some questions about some testimony which rather surprised and shocked me from Mr. Treuer. He talked originally in terms of an automobile moving at slow speed out of the gate, and let me ask you about how fast that car moved out of the gate?

Mr. ZIMMERMAN. He couldn't move very fast. We had to push the people aside in order to get him out. He was barely crawling along.

Senator MUNDT. Would it have been possible for that car to hit a woman and knock her on top of the automobile?

Mr. ZIMMERMAN. No, sir.

Senator MUNDT. Did you happen to see anything about this incident that he described?

Mr. ZIMMERMAN. I did.

Senator MUNDT. Can you give us a firsthand eyewitness report of how she got on top of the car?

Mr. ZIMMERMAN. I was standing on the right side of the car keeping the people back so that the station wagon could go through when this woman walked up and threw herself against the hood of the car. Immediately a big turmoil started that he ran her over, and shouting, "Arrest him" and "Arrest him," and I didn't even have a chance to determine whether she was injured or not.

Immediately they whisked her into the crowd, and the last I heard, I think it was Art Palmer, I said if he felt that there was an offense committed that he should go and see the district attorney and get a warrant out for the driver.

The district attorney was John Bucken at the time, and he called me, and he wanted to know what the circumstances were, and I told him what I saw. And he said, "Do you stand by that?" and I said, "I stand by what I saw," and he refused to issue a warrant in the case.

Senator MUNDT. This woman deliberately climbed on the car or threw herself on top of the car?

Mr. ZIMMERMAN. Well, she didn't go on top of the car. She threw herself against the hood.

Senator MUNDT. Threw herself against the hood?

Mr. ZIMMERMAN. The front of the hood.

Senator MUNDT. Did she do that, or was she intoxicated, or was it because she wanted to agitate trouble, or why would a woman throw herself against the hood of a car?

Mr. ZIMMERMAN. She is known to us, and she has been in almost every demonstration, and she was up at the bowling alley incident, and——

Senator MUNDT. You know who the woman was?

Mr. ZIMMERMAN. Yes, sir.

Senator MUNDT. Was she a striker?

Mr. ZIMMERMAN. I don't know what her connection is, if her husband worked at Kohler or not, and if she was a striker's wife or who. I know her name.

Senator MUNDT. She had been in previous demonstrations?

Mr. ZIMMERMAN. After that she had been, and she was quite active.

Senator MUNDT. So that this was not just an isolated effort to stir up trouble, but she had either before or after engaged in similar types of activity.

Mr. ZIMMERMAN. That is correct.

Senator MUNDT. Also I would like to ask you a question concerning Mr. Treuer's testimony. As I understood it, he said that the reason why, and this may be Mr. Rand's testimony, and I am not sure which, one or the other of them went down there and the reason why the workers were trying to keep the equipment out was because Mr. Bieber, whom they called "Butcher Bieber," I believe, was in the crowd.

I would like to find out from you whether the picket line was formed before or after Mr. Bieber arrived at the scene.

Mr. ZIMMERMAN. The picket line was there when I arrived and the station wagon containing Mr. Bieber, Mr. Desmond, and Mr. Born came down after I was there.

Senator MUNDT. So that the picket line was actually in operation before Mr. Bieber arrived there?

Mr. ZIMMERMAN. That is correct.

Senator MUNDT. It was not a consequence of his coming but something that happened prior to that?

Mr. ZIMMERMAN. That is right.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Did you see any buttons on any of these people down there?

Mr. ZIMMERMAN. Yes, sir.

Senator CURTIS. What would be inscribed on these buttons?

Mr. ZIMMERMAN. As a police officer I don't belong to any union organization, but I believe they issue a button when you pay your dues every month, or every quarter or something, and they are conspicuously displayed on their caps.

Senator CURTIS. You saw a number of buttons down there?

Mr. ZIMMERMAN. That is correct, sir.

Senator CURTIS. Did you get pushed and shoved around?

Mr. ZIMMERMAN. Yes, sir.

Senator CURTIS. Were you hit any time?

Mr. ZIMMERMAN. Well, I was hit from the back, I know. When we got the station wagon through, there was a lot of shoving and pummeling, and I know some of my officers had bruised ribs for a week, and Officer Herman had a rabbit blow in the neck there.

Senator CURTIS. Would these blows to your officers always come from the back?

Mr. ZIMMERMAN. Most of the time; yes.

Senator CURTIS. Were you hit at any time when you were able to determine who did it?

Mr. ZIMMERMAN. No, sir.

Senator CURTIS. Did you have any conversation with Treuer?

Mr. ZIMMERMAN. No, sir. All I did, I ordered that the car that was parked in front of the gate be moved, and Robert Treuer said, "I will move it."

Senator CURTIS. Was Raymond Majerus there?

Mr. ZIMMERMAN. I did see him at a distance.

Senator CURTIS. You did not talk to him?

Mr. ZIMMERMAN. No, sir.

Senator CURTIS. But you did have a conversation with Rand?

Mr. ZIMMERMAN. That is correct.

Senator CURTIS. Now I want to make sure, what did you say to Rand?

Mr. ZIMMERMAN. I told him that they had to open the gate.

Senator CURTIS. To let this station wagon through?

Mr. ZIMMERMAN. Well, no, the station wagon was not there yet, Senator.

Senator CURTIS. I see.

Mr. ZIMMERMAN. The equipment was there at that time, the Buteyn equipment.

Senator CURTIS. What did he say?

Mr. ZIMMERMAN. He say, "Lay off. We have to try to make this as expensive to the Kohler Co. as possible."

Senator CURTIS. Did any other officer hear that?

Mr. ZIMMERMAN. Well, my officers that went down with me were right with me at the time.

Senator CURTIS. But I mean do you know whether any of them were right there when Rand made that remark?

Mr. ZIMMERMAN. Yes, they were there.

Senator CURTIS. Within hearing distance?

Mr. ZIMMERMAN. Yes, sir.

Senator CURTIS. Who was?

Mr. ZIMMERMAN. Officer Herman, and Officer Hutz, and they were right alongside of me.

Senator CURTIS. You believe that they heard it or could have heard it?

Mr. ZIMMERMAN. Yes, sir.

Senator CURTIS. Did you gather from Rand's remarks that he was in charge down there or one of the principals in charge?

Mr. ZIMMERMAN. I would infer that, yes.

Senator CURTIS. That is all.

Senator MUNDT. Did Mr. Biever when he got there do anything to provoke the crowd? Did he engage in abusive language or give a speech or what did he do to agitate it or was it just his presence?

Mr. ZIMMERMAN. Just his presence there.

Senator MUNDT. Did he get out of the car?

Mr. ZIMMERMAN. No, not at all. He did inside the dock area, when the first time they came down in the station wagon. They went away down to the boat, and I believe they talked with some of the officials of the steamship company, and who they were I did not go down there, but then they got back in the station wagon and came back out.

Senator MUNDT. He was the manager of the plant?

Mr. ZIMMERMAN. I don't know his capacity, and I did not even know the man. I was just told it was Mr. Biever.

Mr. KENNEDY. He was plant manager.

Senator CURTIS. Was there violence occurring both before and after Biever was there?

Mr. ZIMMERMAN. Well, there was violence during the two interims that he appeared, and that was the crane incident.

Senator CURTIS. He was not there at that time?

Mr. ZIMMERMAN. No, sir.

Senator CURTIS. Did you hear any profane or threatening talk or shouts around there?

Mr. ZIMMERMAN. There was so much noise down there, Senator, that people were cursing or you did not know what they were saying unless you were right next to them.

Senator CURTIS. That is all.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Was it possible to arrest any of the officials of local 833 at that time?

Mr. ZIMMERMAN. No.

Mr. KENNEDY. For what reason?

Mr. ZIMMERMAN. Well, Senator, if there has been an inference here all of the way, going back to 1934, I think that I can reiterate a little bit, I became a police officer in 1933, and we were plagued with strikes in Sheboygan in 1934.

I have a little background on strikes. We had the Garden Toy Co., Leberon Shoe Co., and Young Shoe Co., and a WPA strike, and I can safely say that every time just about when trouble begins to pop, they seem to disappear.

Senator MUNDT. Who disappears, the strikers?

Mr. ZIMMERMAN. The leaders, the head ones.

Senator MUNDT. The leaders of the strike?

Mr. ZIMMERMAN. That is right.

Mr. KENNEDY. You mean when a union has a strike, at the time things begin to pop the union leaders always disappear, that has been your experience?

Mr. ZIMMERMAN. It has been my observation in all of them that I have been in.

Mr. KENNEDY. Who was disappearing in this one? I was thinking mostly of the clay boat.

Mr. ZIMMERMAN. I did not see Rand until later in the day. I know Allan Grasskamp, I just saw him across the street. Robert Treuer was gone.

Mr. KENNEDY. I just thought I might read you this, to see if you think this is a correct appraisal of the situation down there. The

detective agency also made an investigation or a study on that day, and they stated,

A surveillance of the dock area indicates that it was a highly tense group of people, and it is the opinion of the agency that a wrong statement or a wrong action on the part of one of the individuals assembled in this mob could have started a riot wherein women and children and curious spectators would have been hurt.

It is the opinion of this agency that the matter on the Sheboygan waterfront was very poorly handled, and that no attempts were made by either the mayor or the police department to prevent the congregation of curious spectators, members of striking local 833 and sympathizers with this local.

It was also suggested to the police department and to Chief Walter Wagner that the proper action to have taken would be to call the striking local's bluff and to go in and arrest any individuals who refused to return to his home or leave the dock area.

Would that have been possible, to go in and arrest them?

Mr. ZIMMERMAN. Not with that mob, sir, I don't believe it would have.

(At this point, the following members were present: Senators McClellan, Mundt, and Curtis.)

Mr. KENNEDY. And then there is this statement:

The conversation existing between individuals assembled by the dock area in the city of Sheboygan was to the fact that the riot actually was instigated by Mr. Ed Biever's appearance on the waterfront on the morning of July 5, 1955.

You would agree with that?

Mr. ZIMMERMAN. That is right.

The CHAIRMAN. Are there any further questions? If not, thank you very much. You may stand aside.

Congressman Hoffman.

Congressman, have a seat.

TESTIMONY OF HON. CLARE HOFFMAN—Resumed

The CHAIRMAN. You appeared before the committee some few days ago and requested the privilege of testifying. At that time, I believe the oath was administered, is that correct?

Representative HOFFMAN. That is correct.

The CHAIRMAN. You will remain under the same oath. You may proceed. Do you have a prepared statement?

Representative HOFFMAN. I do not, sir. I understood that the chairman and the other members of the committee wished a factual statement as to violence in connection with the UAW-CIO, and the participation of some of the officers in that program. Is that correct?

The CHAIRMAN. Sir, I have no idea just what your testimony will be. Personally, I thought it was a courtesy that certainly the Senate should extend a Member of the House if he requested to testify. I don't know what other Members may have said to you.

Representative HOFFMAN. My understanding is you want statements of fact.

The CHAIRMAN. Yes, sir, I would much prefer a statement of facts. Proceed.

Representative HOFFMAN. Any time the chairman or any member of the committee wishes to interrupt or ask a question, that will be agreeable.

The CHAIRMAN. All right, sir. Thank you.

You may proceed and make your statement.

(At this point, Senator Ervin withdrew from the hearing room.)

Representative HOFFMAN. The Associated Press on March 8, 1958, reported Mr. Reuther as stating that the UAW "made every possible effort to minimize violence."

He was then referring to the Kohler strike. He then said:

The UAW does not claim perfection because no organization made up of imperfect human beings can hope to be perfect.

Then this:

In the heat of bitterness and the high emotion, the provocation on the part of the company, certain UAW members did violate the policy of nonviolence of the UAW.

The CHAIRMAN. Congressman, wouldn't you prefer to sit down?

Representative HOFFMAN. Thanks, I'd rather stand. Permit me to call the committee's attention to a somewhat similar statement of Justice Frankfurter, the Milk Wagon Drivers Union against the Meadowmoor Dairies (312 U. S. 293):

And so the right of free speech cannot be denied by drawing from a trivial, rough incident or a moment of animal exuberance, the conclusion that otherwise peaceful picketing as a taint of force.

On the question of the policy of the UAW-CIO, permit me to quote from the testimony of Nathan Cowan who appeared on October 16, 1944, before a House committee. His testimony will be found on page 373 on this question of violence. Perhaps it would be better to read from the official report.

Mr. COWAN. Mr. Chairman, before starting, Mr. Murray—

that is Philip Murray, president of the CIO at that time—

asked me to express his regrets to the committee that he was unable to appear in person this morning. He is tied up with another governmental agency. He has certain testimony here and he asked me to appear before your committee and present it to your committee.

During the course of his testimony he was asked, among other things, and at that time the bill before the committee was one on unemployment, and the committee was being asked to create 8 million jobs, this question:

Assume your picket line has been formed and that I am on my way to go to work in the factory, and there was a job there for me and they want me to work there, and I want to work there. Should I be allowed to work there or should I go on this unemployment fund.

And the answer.

No, I would not. I still say that we have a right to picket in this country.

Question. Yes, I think so, too. The Supreme Court has said you have. Do you feel that you are in favor of the mass picket line, which, by closed ranks, and by threats of violence and by intimidation, keeps away other men who want to go to work in that factory?

Mr. COWAN. I certainly do, if I was working in that plant, I certainly do.

Question. Just what right, legal or moral, have you for keeping me from a job in a factory? Keeping me from a job by force when you want to picket and I want to work?

Mr. COWAN. Well, I feel that when there is a group of people working in a factory, and a certain majority group is functioning in there as a collective bargaining agent, unit, that the minority should go along with the majority in that plant.

Question. If they do not want to do that, you are not going to let them do it.

Mr. COWAN. That is the custom in this country. I believe it is the rule of the majority. I think that has been set up in this country for a long time.

Question. Did you ever know of any instance in this country where the majority had the right to beat up the minority?

Answer. No, I do not believe in that. I do not believe in that.

Question. You do not, but you do believe that that is the right thing to do, do you?

Mr. COWAN. That is right. I believe in persuasion every time. I believe it will do the most good.

Question. Do you believe in mass strikers, shoulder to shoulder, trying by force to prevent others from entering a factory where they want to go to work, and these people want to keep them out?

Mr. COWAN. Yes, indeed. I have been in picket lines like that, as a matter of fact, and if you were in a picket line, you would feel a little differently about it.

You would know what you are up against.

Question. Block the gates so that man cannot go into the plant and go to work when they want to work?

Mr. COWAN. That is true. Labor has to do something to gain its proper place.

Mr. Cowan stated before in answer to questions that he was speaking for Mr. Murray, the president of the CIO.

The CHAIRMAN. What was his position at that time?

You say he was speaking for Mr. Murray.

Representative HOFFMAN. Legislative director, CIO, appearing on behalf of CIO President Philip Murray, who, he stated, was unable to appear. He is speaking officially there.

The CHAIRMAN. Do you know where Mr. Cowan is now; what position he holds, if any?

Representative HOFFMAN. I do not.

Mr. Chairman, I have not attempted to obtain any knowledge, only just casually or incidentally, with reference to the Kohler strike or the Perfect Circle strike.

The CHAIRMAN. I was just thinking he might be a high official in the union now. I didn't know.

Representative HOFFMAN. Well, he might have changed his mind. Then we had Mr. Emil Mazey, the same gentleman who has been before the committee here. He was on a strike at Clinton, Mich. That will be referred to later. But on this question as to the right to block entrance to the plant, and the attention—

Senator MUNDT. Do you know, Congressman, what position Mr. Mazey held at the time you are about to quote him? Was he then the secretary-treasurer, as he is now?

(At this point, Senator Kennedy entered the hearing room.)

Representative HOFFMAN. He was connected at that time with the CIO organization in Detroit. I don't recall just what particular position. He wasn't in charge himself of the Clinton strike. There was a Mr. McAuley in charge there. But Mazey was over there. Mazey had testified that he brought 400 pickets down at Clinton. He said union men. Then he was asked about the general practice.

Mr. Mazey brought them down or came down with them. Clinton was a town of 1,600 people. It is 70 miles from Detroit, where these people came from.

And, Mr. Reporter, if I use the word "goons" at any time, please change it in the transcript to members of, or some similar term.

At page 326 he was asked, after taking these 400 down there:

And did that, intending that they should do what when they got there?

Mr. MAZEY. I said we were going down there to protect our people; stop them from being pushed around.

Mr. HOFFMAN. Do you mean, what do you mean by protection?

Mr. MAZEY. Well, if any scabs attempted to push our pickets around as they had done on the occasion on which the back-to-work movement was organized, we wouldn't stand idly by and see them pushed around.

Mr. HOFFMAN. You were going to use force and prevent that?

Mr. MAZEY. If our people were pushed around, yes.

Mr. HOFFMAN. You mean that if the employees of the Thomas Co., of the Clinton Machine Co., attempted to go through the picket line, you were going to assist your pickets in keeping them out?

Mr. MAZEY. I did not say that.

* * * * *

Mr. MAZEY. What I said was that if any of our people on the picket line were to be pushed around as they had been in the previous—Mr. Thomas—

Mr. Thomas was president of the company—

incidentally beat up on the president of our local union physically, a man of about 220 pounds. If that had occurred we would have given our people protection.

That may have been the president, but from my knowledge it was the superintendent.

Mr. HOFFMAN. Now, I think we have had that three times on the record.

Mr. MAZEY. Yes, sir.

Mr. HOFFMAN. And we accept it as your statement. Now, my question is this: Was it your purpose if, when you got to Clinton, you found a picket line down at the plant and that the employees or some of the employees of the company attempted to go through that picket line and if it became necessary in order to get through for them to push or shove your pickets aside, that you were going to call for action from so many of your 400 supporters as might be necessary to prevent that?

Mr. MAZEY. That was our purpose and our record there speaks for itself. We did not prohibit anybody physically from going into the plant.

Mr. Chairman, at that time, the attention of Mr. Mazey was called to the fact that we had a statute which made it an offense, a misdemeanor, at least, to prevent a worker, or anyone else for that matter, going to or from a plant.

Mr. HOFFMAN. I say, did you intend to use as many of your 400 from Detroit as might be necessary to strengthen that picket line?

Mr. MAZEY. Our people walked the picket line that morning.

Mr. HOFFMAN. Your people from Detroit?

Mr. MAZEY. That is right.

Mr. HOFFMAN. Now, you say, you contend that the picket lines there in Clinton had not been keeping the workers who wanted to return from going into the plant?

Mr. MAZEY. I did not say that.

Mr. HOFFMAN. Well, do you say that—wait, put it this way—

Mr. MAZEY. I did not say that.

Mr. HOFFMAN. * * * This statement that I read: "We are going to demonstrate to employers in small towns that they are not going to push our workers around." Now, as to these other employers in other towns, what were your 400 going to do?

That was from the Detroit papers, the quote.

Mr. MAZEY. We just wouldn't tolerate the smashing our picket lines, that is what I said.

Mr. HOFFMAN. What would you do in Clinton that would tell somebody, for instance, in Dowagiac, some employer, that you—that he couldn't push your folks around?

Mr. MAZEY. I think if the average employer saw where he was dealing with a small union—that this union had the support of a larger organization both physically and financially and morally—that they probably would treat our people a lot better.

Mr. HOFFMAN. He might be induced to make concessions and agreements that the union wanted?

Mr. MAZEY. Unions operate on that basis; we believe that an injury to one of our members is an injury to all our members.

Mr. HOFFMAN. Yes. Just stick to the questions. How many pickets were there at Clinton on this day when you went there, approximately?

Mr. MAZEY. I brought 400 from Detroit.

Mr. HOFFMAN. Give us—yes, I know, give us an estimate of about how many were there.

Mr. MAZEY. Probably 550, I didn't count them so I don't—

Mr. HOFFMAN. Now, I continue to read from the paper: "This demonstration by the Detroit and Toledo locals is just a sample of what is going to happen if this strike continues." What did you mean by that?

Mr. MAZEY. I meant that if the strike was to continue we would bring additional people, thousands if we had to.

Mr. HOFFMAN. Thousands, if you had to?

Mr. MAZEY. That is right.

Mr. HOFFMAN. Clinton is a town of some 1,600 people?

Mr. MAZEY. That is correct.

Mr. HOFFMAN. What were you going to do if the strike continued, what were you going to do with a thousand people down there?

Mr. MAZEY. Convince the community and the people who wanted to scab that it wasn't the way to settle this matter.

Mr. HOFFMAN. How were you going to convince them, by just having your people present?

Mr. MAZEY. Just being present.

Mr. HOFFMAN. I say, are you familiar with the fact that in Michigan we have a statute which makes it unlawful for more than 50 people to gather together, 30 people to gather together riotously, tumultuously?

Mr. MAZEY. No; I am not familiar with that and I would like to know what the date of this act is.

Oh, yes, Mr. Mazey also testified, and it is in the book here, that he didn't think much of that law. He didn't approve of it.

Mr. MAZEY. We have been conducting strikes for several years and there have been no limitations on our pickets. There isn't any limitation on the number of pickets that we can have.

Mr. HOFFMAN. There is no limitation on the number of pickets that you can have, but are you aware that you cannot block entrances to any plant?

Mr. MAZEY. I understand that is unlawful; that is one law that I do not believe in.

Mr. Mazey's attention was called, and there was filed there and I will file with the committee if permitted, a list of the statutes and of the State laws which have adopted the common law, the rioting statute. I might say that as I recall, 48 States have statutes which expressly prohibit interfering with workers going to or from their jobs.

Of course, the old common law, which is in force in all of the States, as I recall, calls it a riot when more than 30 assemble, and empowers the sheriff, or whoever may be there in the capacity of a law officer, to call upon any bystanders to assist. Under the Michigan statute, and in most of the others, it is an offense, a misdemeanor, to refuse to assist the sheriff to enforce the law.

Mr. HOFFMAN. Weren't you the high ranking union official in command?

Mr. MAZEY. No; Mr. McAuley was the ranking official in command. I was a visiting fireman that day.

Mr. HOFFMAN. I see. With 400 assistants. Well, frankly, now, the purpose was to convince Mr. Thomas that the picket line was going to remain around the plant and that any back-to-work movement wasn't going to be successful, wasn't it?

Mr. MAZEY. I think we convinced him, we settled the strike that afternoon.

Mr. HOFFMAN. I say, that was the purpose?

Mr. MAZEY. Yes.

I might add that there is other testimony in the record that they were prepared to bring down 2,000 additional pickets, additional to the 400.

Getting back to the observation I was about to make, I want to state that for a number of years we have been assisting sister local unions when they are in difficulty. What took place in Clinton, Mich., has taken place in a number of other communities for the last 10 years. I have been in Flint. I have been in Pontiac. I have been in every section of the State assisting our local unions to settle their problems with management and this is the only time that people seem to have gotten excited in this particular hysterical era that we are living in today with the Taft-Hartley Act and so on; this thing has been made quite an event, quite an affair.

Mr. HOFFMAN. Quite what?

Mr. MAZEY. It has been made quite an event, quite an affair, but we have for years, we have been able to build our organization and maintain it on the basis of assisting our local unions when they are in difficulty; we have been doing it for 10 years and we intend to continue doing it.

Mr. HOFFMAN. Now, let us analyze that just a moment. You intend to continue, for example, sending in to say Berrian County and Benton Harbor hundreds of thousands of men from other unions in order to assist local unions?

Mr. MAZEY. If our services are needed; yes.

Mr. HOFFMAN. And when they come in do you intend to assist them on the picket line?

Mr. MAZEY. Yes.

Mr. HOFFMAN. And that is becoming members of the picket line?

Mr. MAZEY. Absolutely.

Mr. HOFFMAN. Do I understand that you intend that those picket lines are going to prevent workers from returning to work?

Mr. MAZEY. No, no; I didn't say that.

Mr. HOFFMAN. You are going to run right into the local officers when you try that.

Mr. MAZEY. We have run into a lot of them.

Senator MUNDT. What was the year of this Clinton strike that this testimony involved?

Representative HOFFMAN. There were 2 strikes, 1947, in April, which lasted 3 days, and then one a few days later in May, after a vote had been taken, which was overwhelmingly in favor of going back to work. The vote was taken by the chamber of commerce, not by the company. A Mr. Priest testified, and the record shows that at least three-fourths of the workers, more than that, wanted to go back. I think there were 39 that didn't want to go, and several hundred that did want to go back to work.

Senator MUNDT. What I was trying to establish for the record is what calendar year did Mr. Maze, speaking for the union, state under oath that it was a policy of his union to move strike aid or union members from place to place to place in order to help locals win strikes?

Representative HOFFMAN. That was the established custom. As I go on, if permitted, it began in, most of it, the mass picketing, in 1937, and it continued down, and there are strikes all the way along the line, records of which I have here. This one was October 1947.

Senator MUNDT. He was testifying as of the policy which was operating for 1947.

Representative HOFFMAN. My statement today is in answer to the statement made last Sunday by Mr. Reuther that the policy of the union was to avoid violence, that in some few cases they couldn't help getting into it, but the overall policy and custom was to avoid violence. The statements which I read are to the contrary. You have it. Then there is another statement.

Mr. VAN BITTNER. There was a strike over at Monroe, Mich., and it happened that I saw what happened, on the main highway. The citizens of Monroe, and perhaps it is out of order—maybe I should tell about the Monroe strike now, Mr. Chairman, instead of going back and forth to it?

The CHAIRMAN. I am not familiar with it. I don't know where it fits into your testimony about it. I will trust your judgment about it.

Representative HOFFMAN. All I intended to speak about here was as to the custom. There was a strike at Monroe, Mich., where the citizens threw the pickets out. They formed what is referred to sometimes as vigilantes, and the picket line in that particular case didn't win out. On this Sunday, in a park north of Monroe—this was when Governor Murphy was Governor of Michigan, and 1937 is the date of it—on this Sunday there was a meeting in the park just north of Monroe.

The highway runs north and south. Monroe is south of Detroit and north of Toledo. Monroe was south of the group in the park, which, according to—it depends on which story you read. Some reporters said it was 4,000. The union officials, 1 of them, said it was 30,000 people, from outside, gathered. They were meeting in the park. At that time, the pickets hadn't been successful in taking over Monroe. The strike was on, I think, Newton Steel Co. At that time, in charge of the strike was a man named Van Bittner, a CIO organizer, at Monroe.

The statement that I have, and this was taken at the time, the two words are not in the New York Times, but I picked them up over there on a local publication of some kind. Mr. Bittner said, using an oath, "They will pay for what they did at Monroe and pay well." Other papers quote that except the oath.

I say to the people of Monroe, if you and your Knaggs want to run your—and Knaggs was the name of the mayor—

want to run your government as you are running it, we will block you off from the rest of the United States. Do they imagine they will keep us out of Monroe forever? No; if it wasn't for our loyal workers, we'd leave them alone to starve in their own folly. But we'll bring our union in there and make decent citizens out of these hoodlums.

We will have pickets in Monroe within 2 days. We didn't want to do it today, for Sunday is not a day of work. So, we will allow the crowd in Monroe to rest in peace today. But, beginning tomorrow, there'll be no peace in Monroe until Republic—

that is Republic Steel Co.—

signs with SWOC. We will have to assert our rights in Monroe to teach everybody that they can't trample on us. We are going to Monroe and stay there as long as steel is made there. The government of Michigan and the United States are with us.

Perhaps it is relevant to add that the Governor of Michigan has promised protection earlier, and did later. But when a company of artillery was sent to Monroe, and I just happened to be going through there that day, the company was bivouacked south of the town, so that Monroe was between the camp of the pickets and the artillery company.

On that occasion, there were citizens of Monroe, a couple of bank clerks or merchants, there were some officers, there was one little fellow

there whose son was driving in a car east of Monroe a couple of days before, and had had the car pushed over into the river.

As we stood there, down from the north came a large automobile with 4 rather large gentlemen in it, who got out of the car and walked down toward where this group had been camped for 2 days. I think probably there were 25 people there, and the 4 had their hands in their coat pockets, this way. I didn't see anything that looked like a gun.

They came up to these citizens of Monroe and said, "Open up and get out," in substance, that was what they said, and the little fellow who was the father, not any larger than I am, of the boy whose car had been pushed into the river, he said, "No, you don't." One of the fellows said "Well, who is going to stop us?"

And this fellow stepped up and said, "I am." Some of the citizens had guns, not very effective looking guns, odds and ends. But this little fellow said, "I am," and when the fellow asked him, "What with?" he said, "With this," and he reached around, and he was looking for trouble, I guess.

And he had a corn knife, not one of those that runs down and bends off, but he had one of those that looks like a bread knife, with scallops on the edge. The fellows took a look at it, all four of them, and they walked back and got in their car and drove away. It seemed to me to be an incident of a man who was in the right winning a point.

I know there has been some question here of a man's right to defend his property or to resent a beating—do things that otherwise he wouldn't do.

That happened there that day.

That was typical of the way the picket lines usually operated. I might add, Mr. Chairman and members of the committee, that the citizens of Monroe were not alone in their efforts; that the American Legion, through official action, volunteered to go into Monroe and assist those citizens.

The Governor didn't do it, and the sheriff couldn't, and the city marshal couldn't. So the American Legion took official action, said they would go down and help the citizens of Monroe if they had any more trouble with the pickets.

That finally ended. There was other violence, but the strike finally, as all strikes do, ended. That is all that I have on that particular—

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Congressman Hoffman—

Representative HOFFMAN. May I interrupt you, Senator?

Senator CURTIS. Yes.

Representative HOFFMAN. I appeal to the chairman. It was my privilege watching the hearings on TV the other day, and I noticed what a wonderfully fine job you attempted to do in shortening up the testimony of a witness. If I get off the beaten track, if you will just remind me, I would appreciate it.

The CHAIRMAN. All right, Congressman.

Senator CURTIS. Mr. Congressman, I want to ask something for the record. I think I have the information, but I want it for the record.

How long have you represented a Michigan district in the House of Representatives?

Representative HOFFMAN. Since 1935.

Senator CURTIS. During that time, have you made a study of labor matters?

Representative HOFFMAN. Labor matters?

Senator CURTIS. Labor union matters?

Representative HOFFMAN. Well, I have had occasion to, in a way; yes. Wait a moment.

A study? I have been present at hearings, for example, when Lee Pressman, the general counsel of the CIO, and John Abt appeared, and when Nathan Witt, another Communist, was attorney for the National Labor Relations Board.

They were Communists. All three of them belonged to the same cell here in Washington, according to the testimony of Mr. Pressman. If you want to call that a study, I have known about their activities.

Senator CURTIS. Have you conducted some investigations yourself?

Representative HOFFMAN. Yes; for two House committees.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator CURTIS. Both in the capacity of a committee member, and you have investigated the situation in Michigan in your own right; have you not?

Representative HOFFMAN. I know something about Michigan strikes and some other strikes.

Senator CURTIS. Yes. Well, now, you have presented to us here the statement of Mr. Reuther that violence is not the pattern and practice of the UAW-CIO in carrying out and reaching their objective. You have presented statements of some of these other men to the contrary. What do you have in the way of evidence as to what has happened, incidents that have taken place, that proves which statement is correct?

(At this point, Senator Goldwater entered the hearing room.)

Representative HOFFMAN. Those files are in this box.

Senator CURTIS. Let's hear a few of them.

Representative HOFFMAN. Wouldn't you like to hear something about where this matter started?

Senator CURTIS. All right.

Representative HOFFMAN. And the communistic background?

Senator CURTIS. All right; give us the facts.

Representative HOFFMAN. There was something about it in 1922, over at Bridgman, Mich., when they had a secret conference, a convention.

The people at that meeting called it the illegal Communist Party. We had a statute at that time which made such a meeting unlawful. Mr. Ruthenberg—not Reuther, Ruthenberg—was convicted of a criminal offense, and the conviction was affirmed by the Michigan Supreme Court. The case went to the United States Supreme Court on a writ of error, but Mr. Ruthenberg died before they could reach a decision, before the case was heard, finally, the case was then dismissed.

I learned that there had been an investigation by the FBI, and State troopers, and they arrested the Communist leaders. They had two bar-

rels of secret documents buried in the sand dunes. Among them was the part of a speech by William Z. Foster.

Back in 1922, in my own district in Michigan, the FBI discovered the real origin of the CIO.

In those days, the Communist Party was an illegal underground organization and it came all the way to Bridgman, Mich., to hold a secret convention.

After FBI agents and State constabulary arrested the Communist leaders they discovered two barrels of secret documents buried in the sand dunes.

A transcript of a speech by William Z. Foster showed that he told the delegates:

After our delegation came back from Moscow last year, it brought with us a program which we thought was a good practical program for this country * * *.

We drafted a program for industrial unionism and sent out 11,000 copies to every trade union in America * * *.

I am not trying to overstress the importance of industrial trade unionism. The workers of America are ready for new ideas.

In our conference we should * * * adopt a program calling for industrial organization, and adopt a revolutionary program as a basis of our work.

Also among the documents seized was a report that read in part:

At best the prospects of our influencing the labor movement are mainly in the * * * International Ladies Garment Workers, Amalgamated Clothing Workers, Hat, Cap and Millinery Workers, etc.

There is a splendid chance for our propaganda and a strong revolutionary element, and there are strong nuclei among the textile workers; also the United Mine Workers.

Among the shoe workers there are great possibilities for our work. Also among the automobile workers * * *

It is significant that it was the unions in these very fields that banded together to form the CIO a dozen years later.

(At this point, Senator McClellan entered the hearing room.)

Representative HOFFMAN. There is where a part of the CIO originated, later on, some of those same people. Go through the list of the names in this book, this is Reds in America. You will find the names of some of the people who were there. As we go through and tell about the violence and strikes, you will find those names recurring all down the line. You will recall that we had some warnings about this.

Mr. Chairman, I have here parts as may be relevant, this item. I wish to offer the document for insertion into the Senate record, an item by Mr. Lodge on January 3, 1924.

The CHAIRMAN. That may be made exhibit 66, for reference.

(The document referred to was marked "Exhibit No. 66" for reference and may be found in the files of the Select Committee.)

Representative HOFFMAN. I will quote various statements scattered in the publication. This is what was in there, among other things. This is John L. Lewis making a report, after a rather long investigation, and he made it as president at that time of the United Mine Workers. Of this movement he says:

It is purely a revolutionary organization and makes no pretense at legality * * * This party has at its head the supreme executive revolutionary committee in America, responsible only to * * * officials of the Communist International.

On the surface and working partly in the open is another revolutionary organization, known as the Workers Party of America * * *—

With a mission—

fundamentally the same as that of the Communist Party of America, i. e., to overthrow the Government of the United States.

Continuing to quote:

Joined with these two revolutionary parties * * * is the Trade Union Educational League, headed by William Z. Foster * * * This league is * * * the direct instrumentality * * * of the Communist International?

They are fused into united effort, giving mutual support to each other in their numerous activities.

These Communist groups interlock also with the Communist International and the Red Trade Labor Union International at Moscow, so that the revolutionary movement in America is the direct offspring and agency of the Communist regime in Russia, for the purpose of seizing and possessing themselves of the American Continent through the mediumship of revolution inspired and conducted from the stronghold of bolshevism on the other side of the Atlantic.

Mr. Lewis, later, helped organize as did the Senate Civil Liberties Committee in 1939, the CIO and the officers of the CIO were John L. Lewis, the president; then Philip Murray, and Walter P. Reuther; the UAW officers were Homer Martin, R. J. Thomas, and Walter P. Reuther. The CIO was organized by six unions which left the A. F. of L. and the president, Charles P. Howard, of the international printers, and Max Zaritzky, president of the United Hatters, Cap and Millinery Workers.

Then the other four unions joined shortly after that was formed, United Automobile Workers, Rubber Workers, Associated Iron, Steel and Tin Workers, and the Flat Glass Workers, and the two unions, and the A. F. of L. and CIO, they were merged, as you know, in 1955.

Later, when Lewis became president of the CIO, he referred to three of the gentlemen who were very active later, and who participated in some of these strikes, John Brophy, Howard Hapgood, and Adolph Germer.

Here is what Mr. Lewis, at the convention in Indianapolis in 1930, said, and I quote: "Fakirs, repudiated leaders, traitors to the unions, opportunists, and purveyors of every falsehood, slander, and deception."

Those were officers.

Perhaps the committee would be interested in this. I will offer it in evidence, if you want to look at it.

The CHAIRMAN. That will be made exhibit No. 67.

(The document referred to was marked "Exhibit 67" for reference, and may be found in the files of the select committee.)

Representative HOFFMAN. If you follow down through the strikes of 1937, on into 1941, and into 1955, and especially in the South in 1955, you will find the names of these individuals recurring. They were used by Lewis after he said that the Communists were trying to take over the labor movement in America.

Before we go into the record showing violence in strikes, it might be well to put on the record in a concise form a report giving something about Mr. Reuther who yesterday was at the White House advising the President as to how to conduct our national affairs.

He was born on September 1, 1907. He quit school at 16. Apparently he has made a great deal of progress since. He worked himself up and through. He went to Detroit in 1927. He was employed first at Briggs.

He worked nights, attended high school, studied 3 years at Wayne University, taking, first, law, and then transferring to sociology and economics. In 1931 and 1932 he was foreman of 40 men in the tool and die room of the Ford Co.

In 1933 he was discharged for union activities from the Ford Co. In 1933 he went to Europe, 1934, and traveled in Europe.

In 1934 he worked in an industrial plant in Russia. On January 20, he wrote that famous letter, which will be referred to later, and which was published in the Saturday Evening Post, and in other places.

In 1935, Walter and his two brothers, Victor and Ray, participated as leaders in a conference in Columbus, Ohio, at which the Communist National Student League and the Socialist Student League for Industrial Democracy were merged to become the American Student Union. The three brothers were all vouched for by Celeste Strack, who was then a representative of the central committee of the Communist Party.

At that meeting, Walter and Victor supposedly represented Brookwood Labor College, which had been branded as communistic by the American Federation of Labor.

Roy, who was registered as a representative of Wayne University of Detroit, represented them.

Now, I might add there now, there has been a statement in some of the papers. I noticed that at the Flint strike, Walter and one of the others were quoted as telling the strikers where there was violence to follow the cops and I don't know what else it was, but to do something to them.

But I took the trouble to contact the reporter of the Flint Journal, and he said that was a mistake; the Flint Journal was correct, the other paper was not, that Walter wasn't in that, except as he was carrying on with the strike generally; and that it was Roy and Victor who gave that advice as to what should be done with the cops.

Getting back to Reuther, he joined the UAW on the west side local 174 in 1935. In 1936 he was a member of the executive board of the UAW—since 1936. In 1937, as a volunteer organizer, he raised the membership of local 174 from 78 to 30,000 within a year.

In 1937 he had been known throughout Detroit as a union leader, no longer able to get work in any plant, and apparently the employers boycotted him.

In 1937, in June, he incurred the displeasure of Homer Martin, for activities in promoting wildcat and sitdown strikes.

Martin at that time was president of the UAW in Detroit, and there were several factional fights there. In 1939 he was made director of General Motors department of UAW. In 1942 he was elected first vice president of the UAW, and elected president in 1946, in March, and elected vice president of the CIO in November.

In 1952 he was chosen to succeed Philip Murray as president of the CIO, and in 1955, he was elected vice president of the AFL-CIO, and president of the industrial union department.

As shedding some light on what happened with reference to the strikes, just briefly here, this comes from the Detroit News, but I would like to get the Free Press first.

The CHAIRMAN. Can we make those all an exhibit, Congressman, and let you quote from such parts of them as you desire?

Representative HOFFMAN. Yes, and it would be a very short way out of it, and I would not even need to testify if there weren't statements in here which show the policy of the UAW-CIO all of the way through, statements as to what they were going to do.

The CHAIRMAN. Let us make them all an exhibit. You have a series of photostatic copies of issues of different newspapers?

Representative HOFFMAN. That is the Detroit News, the New York Times, and the Detroit Free Press, but very, very incomplete. I don't have any staff, and I have to do this myself, and I don't get them. I apologize for the fact that they don't run down as they should.

The CHAIRMAN. That is all right. They may all be made exhibit No. 68.

(Documents referred to were marked "Exhibit No. 68" for reference and may be found in the files of the Select Committee.)

The CHAIRMAN. They will be received in bulk, and then as you read from any paper, identify the date of the issue.

Representative HOFFMAN. I want to go back to this Flint one. There is a great deal of complaint over Flint. For example, they were trying to organize Flint and there was a strike in a restaurant. There was considerable violence. There was complaint, but they received no satisfaction.

I heard something when I was sitting back here about officers, local officers not performing their duty. There isn't any question but what many of them do not perform their duty because they haven't the ability.

When strikers move in by the hundreds, as I will cite here, and by the thousands, what is a local officer going to do? He is just out of the picture—crowded out.

If I may be permitted the expression of a personal opinion, that is that there isn't any reason either morally or legally why the owner of property should get up and get out of his own home, his own yard, his own factory, just because somebody tells him to. I can't subscribe to the doctrine that that is what he should do just because some union wants to move in on him.

Now, in this Flint situation, the restaurant I was referring to. For example, on January 4, on page 1 of the Detroit News, there is a reference to the strike, and then on the 7th, and 5th, and 12th—on one of those dates and I think it is the 5th of June—Reuther himself called a strike in the Cadillac plant. On the 12th, for example, Kenneth Cole, who was financial secretary of local 14 of the UAW, Toledo, and there was a strike on in Michigan, said this:

I expect between 3,000 and 5,000 Toledo union men will be in Flint before night.

That brings up the point, what are the city police or the home folks going to do when that kind of a thing happens? It is true that we had a Governor at that time who said several times that he was going to protect the people. He said he would protect the strikers. He said he was going to protect the strikers and the owners of the property. He never said anything about protecting the public.

They seem to have gone without any protection. In that strike at Flint on the 20th, there was the announcement that employees from Ohio were on the way, gathering with those from Flint; 3,000 from Toledo, and some more from Ohio. The Governor called out the

126th Infantry, and later called out the cavalry, but he didn't give any protection, however, to the public.

In the meantime, these people were in the plants. In one case they had charge of a plant in Flint, the second floor, 400 of them. The troops came and what did the troops do? The troops prevented the people from going down and attempting to throw them out of the private property.

The Governor's published statement was that he didn't want any bloodshed, but nowhere does he tell the officers of the union—at that time Lewis was president—to go home. So the protection was given to the strikers, and in those plants, in some of them, they welded the doors shut and they did all sorts of damage, and they beat up, in this one case, 24 people. There were 24 people injured.

When the Governor was talking about what he was going to do about it on January 4, the Governor lived in Detroit, and he took the train from Detroit over to Lansing to carry on his official business, and who do you think was with him? Those who made the train trip with the Governor were Homer Martin, president of the UAW; John Brophy, with pictures on that, and Lewis called him a faker and a liar, director of the CIO; Lee Pressman, general counsel of the CIO, a Communist, and that is where the Governor was getting his advice; and Larry S. Davidow, he was the attorney for the union; and Ed Hall. Now, don't forget Ed Hall. You will find his name running all through strike situations where there was violence.

If you think that this was all just a happenstance, as you might gather from some of the testimony, there was a strike at the Bohn Aluminum & Brass Co. in Detroit. That was in 1939. That company had a contract with the Navy to produce munitions of war. The company had patterns from the Navy. They had other things that belonged to the Navy.

But this CIO called a strike. Being curious, I just asked the then Acting Secretary of the Navy, Mr. Edison, to tell about it. I asked him some questions, whether the Navy Department did have a contract with the corporation, and he said it did.

I asked whether a strike would interfere with the activities of the Navy Department, and the Navy answered that a strike actually occurred in the plants of the corporation which did interfere with the activities of the Navy Department.

You are familiar with the practice in the House. I asked how long the strike continued.

Answer. A strike was called at the plant No. 1, Detroit, on August 29, 1939. At the time the strike was called, plant No. 1 was engaged in the manufacture of special bearings for aircraft engines for manufacturers with whom the Navy had contracts.

On September 15, 1939, a second strike was called at all of the seven plants of the corporation in the Detroit district in sympathy with the strike at plant No. 1. At the time of calling the second strike, plant No. 2 was engaged in the manufacture of castings for airplane engines, in the process of manufacture at the Naval Aircraft Factory.

The Navy had a contract for a special type of marine engine there. The duration of the strike in plant No. 1 (bearings) was from the 9th day of August to October 8, inclusive, 41 calendar days. The duration of the strike in plant No. 2 (castings) was from September 15 to October 8, 24 days.

The statement shows that the CIO called a strike there and they kept those plants closed on September 28, 1939:

The resident inspector of naval materials in Detroit, Mich., informed the regional director of the United Automobile Workers and Congress of Industrial Organizations in Detroit of the delay in the materials due and also the urgent need of the shipment of the patterns—and those belonged to the Navy—and requested that he instruct his representative in charge of the picket line at the corporation's plant No. 2 to allow a representative of the inspector of naval material and a truck to pass through the picket line to pick up Government-owned patterns and ship them on a Government bill of lading.

That is the United States of America, and a free country and a free people.

The CHAIRMAN. The document will be made exhibit No. 69.

(Document referred to was marked "Exhibit No. 69" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. I will read another paragraph:

The regional director of the UAW sent three representatives, and the representatives of the union were given full access to the files, and were informed the delay in releasing the patterns for delivery was seriously jeopardizing the manufacture of airplane engines at the Naval Aircraft Factory.

Mr. Reuther lives in Detroit, and if he didn't have knowledge of that, it was his own fault.

So far as I have been able to learn over the years, and in my search of the papers, I have yet to see the first statement until last Sunday where Mr. Reuther ever criticized or condemned members of the union who were using violence or who were holding up Government contracts.

Incidentally, I might mention the one over in Allis-Chalmers, Wisconsin, which continued for 67 days, where they were manufacturing material for the Navy, and that, as I recall, was during the wartime, and Mr. Harold Christophel was the gentleman who was at the head of the strikers.

He was a Communist, as was his wife who worked for the Agriculture Department here, and later he was, after 7 years' effort, convicted because of perjury before the House Committee on Education and Labor.

I hold in my hand here a report of the United States Department of Labor, Bureau of Labor Statistics in Washington, Department No. A-36, "Work Stoppages in which there were Deaths by Violence, 1937 to 1948," and it lists here strikes by the AFL and the CIO, and the record is just as bad on the AFL as it is on the CIO.

If you are wondering why I never say anything about Mr. Hoffa—Mr. Hoffa, according to his own record, is a racketeer and extortionist, and of course the committee has had him and knows in part about his record.

Now, this shows here the number of strikes, and those in which the CIO was interested are checked in red, and it shows those strikes carried on by the CIO and Mr. Reuther has always been an active participant in UAW-CIO strikes. He has been in it and he was in the overpasses where he claims that he and Frankenstein, in Detroit, back in 1937, were given a beating, and they were.

That is when they attempted to stop the workers from going to work. They were on the losing side. So far as I know, there may have been some instances, but I don't know of them personally, but Mr. Reuther has never, so far as I know since he got that beating, been

out on a picket line. Others have been doing the work. He is like Mazey.

Mazey, in his testimony, claims to be the champion when it comes to arrests, but until he was arrested over at Kohler, I don't know of any conviction. I have known about his participation in strikes, but he was the fellow who told John Doe to go down and beat them up. But he stayed back where they didn't get him. You can't say that about Hoffa. He is willing to fight any time.

Now, the list of strikes, and I want to offer that in evidence, Mr. Chairman—

The CHAIRMAN. It may be made exhibit No. 70.

(Document referred to was marked "Exhibit No. 70," for reference and may be found in the files of the select committee).

Representative HOFFMAN. The ones checked in red are the ones for which the CIO was responsible, and this shows that there were 41 deaths in strikes conducted by the CIO during that period.

Of those, however, seven were with the United Mine Workers and should be deducted because that was Lewis and not Reuther.

The CHAIRMAN. They will be deducted.

Representative HOFFMAN. Unfortunately, the people that were killed—and there were seven of them—can't be brought back to life.

The CHAIRMAN. They cannot.

Representative HOFFMAN. You can strike seven out, but you can't get them out of the cemetery.

I was wondering, may I later, without taking too much time, and I know you are pressed for time, go through these statements here and make the quotations from the newspaper accounts instead of reading them?

The CHAIRMAN. You may do that if you wish and submit them, and then they can be placed in the record.

Representative HOFFMAN. It seems in a way an imposition to read these to the committee unless they want it, because the statements are in here.

The CHAIRMAN. I will tell you what you may do. It will be just the same. If you will take those and mark the particular statements, you can retain those, and turn them in as an exhibit, and you mark on those papers the statements that you would like to mark.

Representative HOFFMAN. I might read an editorial here.

The CHAIRMAN. Those newspapers that the Chair has admitted as an exhibit, were exhibit No. 68, and I understood you wanted to take some excerpts from them, instead of taking the time of reading them and to have the excerpts placed in the record. That will be done, if you will simply mark the particular quotes you would like to have placed in the record.

Representative HOFFMAN. There are a few of them, if the committee has the time, which are contradictory to this.

The CHAIRMAN. You may read 2 or 3 of them. The Chair is not trying to cut you off. I thought that is the way you asked to do it.

Representative HOFFMAN. I am afraid I was not presenting the thing that should be presented. Here is one editorial of June 17, 1937.

If someone had searched diligently for an action against the UAW in paving the way for its eventual self-destruction, he could not have hit upon a better one than the strike which paralyzed Bay City yesterday. Several industrial plants

there were closed down by union orders, so that picket lines might be reinforced at the Bay Manufacturing Co. plant.

About one-third of this plant's employees are UAW members. When they walked out yesterday morning, the plant naturally remained open, a one-third membership being insufficient to cripple its operations. The only way to make such a strike effective is by the open use of force, and that is what the union leadership in Bay City used.

It set out deliberately to overawe, if not to offer Power City authorities, whose plain duty is to protect the rights of the two-thirds majority of the nonunion Bay City employees. In pursuance of this reckless enterprise, it visited an alarm and inconvenience on the whole population. The UAW leaders considered themselves better than the public. How long do they think the public will let itself be pushed around by any organized minority?

It was at Monroe that the vigilantes finally went down and said, "Now you fellows are through," and they were. What may happen if violence in connection with strikes continues, what has been threatened several times to my personal knowledge is that the outsiders, the people who are not members of the union, when these people come in from outside, some of them like they did over at Bay City or Monroe, some of them are going to arm themselves, Mr. Chairman, and they are going to enforce their own laws, as they did in the wild West back in the days when they had so much trouble there.

It is something which should never be permitted to happen in this country and will not if the Congress and the States give relief.

Now, it is not the workers who want always to go on strike. For example, in the Chevrolet plant, early in the sitdown strikes, 1 paper has it 9,000 with pictures, and the statement, and the other one has 12,500 workers in 1 plant protesting, and they protested to the governor. As I recall, they protested to the President of the United States, and the Congress voted in the House at least 340 some to 1 for an investigation. They protested the closing of their plant. They wanted to work. There was only a small minority on strike.

Here is another one from the Detroit Press, referring to the same incident or a similar incident on the 14th of January 1937. This says, "12,500 protest the strike. Workers assemble in Detroit and Saginaw."

The CHAIRMAN. That paper will be made a part of exhibit 68.

Representative HOFFMAN. Then to show you the difference between some of the States, during this 1937 strike in the automobile industry, the sitdown strikes, some of the union men had an idea that they would go down to Anderson, Ind., and close that plant.

Some 30 automobiles loaded with union men went down. They stopped at a restaurant on the public highway and asked that the man who was working there, who had been a worker and had not gone on strike in the automobile industry—said they wanted him.

The owner of the restaurant said, "No, he is working here, let him alone." Well, they started trouble and the restaurant owner got his shotgun, and when these fellows saw him coming they got into their automobile but they did not get in quick enough.

He gave them 2 barrels and there were 10 of them that went to the hospital with shot in their legs. That shows what sometimes happens. Then they decided they would go down and teach the Anderson people a lesson, that is the UAW-CIO did, and Mr. Reuther was an officer. He was active in their work.

He did not say anything about this. They were going down there and they got in their cars, a motorcade and started down, and the

Governor of Indiana, I think at that time he was a Democrat, told the State troopers to stop them. The State men went up there and there was not bloodshed, and there was not one hurt, because the troopers said, "No you don't," and they did not.

That is cited again as an illustration that sometimes when a firm stand is taken, and the individual has the ability, these strikers don't have their way. They don't travel the highways bringing violence to a peaceful community.

In this Allis-Chalmers strike that I talked about, my attention has been called to that. In that strike there were 45 million of contracts for defense items. The production stopped when the Communists pushed the button.

I think I will skip from there to 1941. This isn't a third of what the record shows.

The CHAIRMAN. All of those papers may be made a part of exhibit 68.

Representative HOFFMAN. This is in 1941. Now I would like to show something of what happened at the Ford strike.

The CHAIRMAN. The clerk will make all of those papers, newspapers, one exhibit, No. 68.

Representative HOFFMAN. The chairman being an attorney may be interested in some of these photographs, because some of them came from Judge Tuttle, who was United States district judge in Detroit. The others came from an injunction suit that was started over there. They are all numbered, and I have them all numbered from 1,001 on up.

If you are interested, these proceedings were in Detroit in 1941. It was to try to get the sitdown strikers out of the plant. It is doubtful the committee or anyone today realizes the situation over at Flint and around Detroit at that time.

In the eastern part of Michigan, the Consumers Power Co., and the Commonwealth & Southern and its affiliates. Over there the UAW and the CIO, with many of these individuals who have been named here or named in some of these exhibits, were Communists, turned off the electricity.

Do you know what that meant? It meant the ending of service in the fire department, and in the police department; that is, effective service. It meant that the lights in the hospitals where people were sick and about to be operated on, were turned off. That is what happened over there.

We had a Governor and he had the troops. If you can call that nonviolence, and not the use of force, well and good.

The CHAIRMAN. Do you want those pictures that you have just referred to made an exhibit?

Representative HOFFMAN. Yes. I wanted to talk about a hospital strike, and I wanted to get the West Penn strike in Pennsylvania on the record later. That was engineered by Communists and ex-convicts.

The CHAIRMAN. Let me get those pictures in the record.

Representative HOFFMAN. This was on the injunction hearing.

The CHAIRMAN. Those pictures on the injunction may be made exhibit 71.

(Documents referred to were marked "Exhibit No. 71," for reference, and may be found in the files of the select committee.)

Representative HOFFMAN. I have excerpts from the testimony taken before the judge where the application for an injunction was pending.

I want to refer to these pictures. These pictures were in connection with that application. There has been some talk here about warfare, and over in my office you can have some of the implements of warfare which were given to me, obtained from the CIO.

You will find some that look like the pictures in this one. I don't know whether you gentlemen can see it or not. They are on the picket line. I would like to have you look at this picture, and also this one. On the back you will notice this is Ford Motor strike, August 3, 1941.

If you care to look at this one, this is Patrolman Landsman, of Detroit police, pulled from his car and beaten. By the way, when they sent the police out there, they took away their guns.

Here is one of the Ford Motor strike. If you look at the picture up there, you will notice on the caps, "UAW-CIO," and there is no doubt about who it was.

Here is a picture of policemen and I will ask some members of the committee to look at the caps to see who was there. They say they are not responsible for it, but the officers of the union forgot to take their caps from them when they permitted them to go out.

Now, I heard something the other day about what a picket line is. Here is one that is blocking Miller Road at a bridge, and by the way I happened to drive down Miller Road, and the automobile was turned over ahead of us. Where were the State troopers?

They were back of the 7-foot fence. Who was out in front? The boys with the CIO caps on were out there, UAW-CIO, with a club like this. They say they are innocent bystanders.

Listen to this one: This is Roosevelt B. Potter, employed by the Veterans' Administration to carry mail and deputized by the Federal Government. They not only kicked the constable around.

If some members of the committee or committee staff think it is strange why Sheboygan officers did not do more, listen to this one. This is a Federal official deputized by the Federal Government on the 2d day of April. He was traveling with this mail, and passing the intersection of Maple and Schaeffer he was stopped by 2 men, 1 of whom asked him where he was going. The witness said he was going to the Veterans' Administration.

He was not going to work on a production line. They said, "Well, you don't get through there," After these 2 men boarded the truck, the witness said there were approximately 1,000 men on top of the viaduct, and they said, "I don't think you can go through there."

He testified:

Then I drove 5 to 10 feet and then I heard a yell, but I did not know what they said, and then a brick came through the left front door window, breaking into the car and it scattered the glass and cut the top part of my lip, and the peak of my nose.

By that time the bricks were constantly hitting the truck.

This is a Federal mailman.

After that I did not proceed. I turned back, right back around and went right straight back through the crowd of men that were there. The whole mob of men, to left and right, when they saw me coming back, came in to the middle of the street throwing their hands up as if to stop the truck. I did not take any chance

with people of that type, and I stepped on the gas and picked up my speed and blew my horn and went on through the crowd and I went to the Dearborn police station and made a report.

Fortunately, he did not run over any pickets. Otherwise he would have been accused of violence. They were out in the street.

The COURT. What I was trying to figure out was whether this was a violation of the postage law or some other law, because any interference with the United States mail until it is delivered is a violation of the postal law. I was wondering within this statute, that definition, whether this mail had been delivered or had not been delivered as yet.

ANSWER. Your Honor, the mail had not been delivered to the source to which it was going. It was en route.

The COURT. It is addressed to this place?

ANSWER. To the Veterans' Administration facility.

The COURT. Do you have a box here and go to that box to get it, or does some post-office clerk here turn it over to you?

ANSWER. No, sir; we go to the rear door, the same as the regular Federal trucks, and the inspector of the post office has someone to bring the mail to us, and we go to the main window and sign for the registered mail ourselves and we are responsible for that mail until all registered mail is delivered to the Veterans' Administration.

The COURT. All right.

Mr. DOELLE. He is deputized by the United States Post Office to carry the mail to the facility.

The COURT. It was a violation of the law—

and so on. It shows they are not respecter of persons.

I had better go through with the pictures.

Here is the picket line. The other one was a picket line. That is another one of the same proceeding in court. Those pictures, some of them, might be helpful to some members of the committee who might not know what a picket line is. I understand there is some difference of opinion about that.

Here is a picket line, too, another form of it.

Here is one more picket line, "Trouble at Gate No. 4 on April 3, 1941." Perhaps the committee could learn by asking Reuther or some of his people what these pictures are all about and whether those things actually occurred.

Here is another one. There is the overpass, if I remember correctly. That is the one that Mr. Frankenstein and Mr. Reuther tried to negotiate but were not quite successful. They will undoubtedly claim that superior numbers beat them up, which probably was true, because it was a pitched battle.

Here is one at gate No. 4, an air view of the gate before the fight.

Here is another picture of gate 4 right after the fight.

Senator CURTIS. Mr. Chairman, I would like to make an inquiry here.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. What is the exhibit number of these pictures?

Mrs. WATT. They will be in exhibit 71.

Senator CURTIS. In exhibit 71, the particular photo referred to as Hoffman File No. A-6, it says:

Legal proceedings in Detroit, Ford Motor Co. strike, 1941. Ford workers being chased over the bridge by strikers and pickets.

Can you tell the committee who was on strike then and at what plant?

Representative HOFFMAN. That is at Ford.

Senator CURTIS. The UAW?

Representative HOFFMAN. The UAW; surely. Teamsters did not have anything to do with those strikes.

Senator CURTIS. Does this have any reference to an incident you referred to as the overpass?

Representative HOFFMAN. Yes.

Senator CURTIS. Do you identify anybody in this picture?

Representative HOFFMAN. Me?

Senator CURTIS. Yes.

Representative HOFFMAN. I do not know any of them.

Senator CURTIS. You do not know any of them?

Representative HOFFMAN. If I may make a suggestion, ask some of the fellows who were engineering the strike, some of the union officials.

Senator CURTIS. Did I understand you to state that this was the incident where Mr. Reuther was involved, personally?

Representative HOFFMAN. That I do not know.

Senator CURTIS. Not this particular picture, but this particular strike.

Representative HOFFMAN. I do not know whether that was the overpass. They may have a half-dozen for all I know.

Senator CURTIS. Was this the strike?

Representative HOFFMAN. It was earlier. I think in the early part of the strike. He and Frankenstein went down to this overpass and they were going to stop the employees. Unfortunately for them—and they will characterize him as a brutal bruiser—Harry Bennett was in charge at that time, during those years, and he just protected the Ford property, contrary to what some people think is the established right. And they had a fight and came out second best in that one.

Where is that picture? I have a picture here of Frankenstein and Reuther right after they got through with that fight.

Senator CURTIS. That is what I want to see.

Representative HOFFMAN. Here it is. The big boy is Frankenstein and the smaller one is Reuther. This was May 28, 1937.

Senator CURTIS. May I have that marked as an exhibit, Mr. Chairman?

The CHAIRMAN. It may be made exhibit No. 72 for reference.

(The document referred to was marked "Exhibit No. 72" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. You were talking about there were no teamsters involved in this strike?

Representative HOFFMAN. Well, I said that. Maybe I shouldn't have. I found nothing—if you want something about the teamsters, over in my office you will find plenty.

Mr. KENNEDY. Congressman, I just want to say that your investigation was most helpful in all the work we have done.

Representative HOFFMAN. I have tried to help. We turned our files over to that special unit established in the Department of Justice, and there were several convictions.

Mr. KENNEDY. And the hearings that you held, the basic hearings, were the hearings that we followed when we had our hearings last summer.

Representative HOFFMAN. We did not have anything at that time about Reuther, because I was cut off before we got to Reuther.

Mr. KENNEDY. What was the reason that you were cut off?

Representative HOFFMAN. Well, as the chairman said, I think it was yesterday, we ought to have evidence instead of speculation. There were two reasons. I had incurred the lack of friendship on the part of some of my committee members because I had criticized their sojourns abroad at committee expense, and I had written a letter in June, June 29, 1953, telling them that inasmuch as Congress was adjourning, we should go a little slow on investigations.

Of course, you know, it did not make me any more popular with members of the committee. Then when we got into these investigations, when I got to Detroit on a Monday morning, to get some papers from Mr. Reuther—and, by the way, he turned over to us wire recordings and other stuff—not Reuther, Hoffa. Pardon me.

About the first thing, he came up and shook hands and he said, "Clare, you know, I am a Republican, too." And I said, "Yes, I know." Then he told me about his influence in Detroit and how many votes he got for the candidate to State supreme court, one of the judges.

He said that he was responsible for it, but I knew better. Then, it also appeared or developed that he had a million dollars in the treasury of the union which his executive board had authorized him to spend such parts of as he thought would be helpful in elections.

He had spent some of it, he said, he testified, for the election of local judges. From then on we had some subpoenas out for down in Indiana on the telephone strike and the Studebaker strike.

I do not know who it was on this occasion, but the chairman—we had a 5-man committee, 2 from Labor and Education and 2 from Government Operations, and I was on both, which made it 5.

Wint Smith was chairman. Wint was called out and when he came back I asked him, "What is the matter? They told me not to serve the subpoenas they had authorized before," and Wint went this way to the reporters, saying, "It came from on high," and that is all there was to it.

My own opinion is that they thought—

Mr. KENNEDY. Who is "they" when you say, "they" thought?

Representative HOFFMAN. Well, you know, before that there had been a conviction of some junk dealers who had handled Briggs junk and I think someone connected—I mean by "they"—someone connected with the motor industry, this I learned afterward, thought that I knew about some crooked deal that there was between some of the companies and the union on the sale of junk.

I never heard of it except as to the conviction. I never knew anything about it.

Mr. KENNEDY. What conclusion did you arrive at as to why your investigation was called off?

Representatives HOFFMAN. Well, from what was said to me by both Democrats and Republicans, I figured that they did not want any investigation in the unions because both were trying to get the union leaders to support them politically to get the union vote. That was never my theory. I did not think the leaders could ever control all the votes. That is, they could control votes and spend their money, but not decisively.

Mr. KENNEDY. What did Mr. Wint Smith mean?

Representative HOFFMAN. What?

Mr. KENNEDY. What did you mean by Congressman Smith?

Representatives HOFFMAN. Congressman Smith was called out on a long-distance call from Washington. That is all a matter of public knowledge. When he came back, the reporters, as we adjourned, asked him whether the hearings were going to continue, and he said, "No." And then they asked why and he went this way [indicating], showing somebody on high.

I do not know who he talked to, but it was somebody in Washington. I do not think he talked to the President. I know he didn't. Of course, who the individual was, I do not know. I do not care.

You were asking some questions, I believe, Senator Curtis?

Here is another picture, showing the State police. But the State police always stayed in the background.

Senator CURTIS. I want to say, Congressman Hoffman——

Representative HOFFMAN. Mr. Curtis, just a moment, if I may.

Here is how they finally felt when the strike was over: "Sitdown Strikers Leave the Plant."

Senator CURTIS. You have assembled here considerable material that is of value and will be helpful to us. I am not familiar with all of it. I expect to read the important portions of these newspapers that you have photostated.

I want to say that I have followed your work over a period of years and how you have documented the happenings in labor-management contests and relations. I want to say that I appreciate the material you have here.

I expect to pursue it further, because I am sure there is considerable of it that will relate to other testimony that has been given and will be given. I do not have any specific inquiries further, at this time.

Representative HOFFMAN. If the chairman will permit, here is a picture, or several of them, in fact, taken at the Ford strike. Most of them are on Miller Road.

Here is one with the automobiles turned over.

Talk about a peaceful picket line, take a look at this. Some of you members of the committee and some of the staff, here is a beating that a fellow took. Mark you, Senators, Mr. Chairman——

The CHAIRMAN. Let us get this group made exhibit No. 73, this group of pictures. They will be exhibit No. 73.

Representative HOFFMAN. The others were the injunction suit. These are in an entirely different suit. The first one is an application for an injunction. This suit was before Judge Tuttle and I got these pictures from Judge Tuttle. He sent them down shortly after the case was over.

(The documents referred to were marked "Exhibit No. 73" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. Here is another picture.

Now, here is a picture of the same strike. I would like to have the members of the press look at this one, too. This is before we had the Civil Rights Act.

The CHAIRMAN. They may look at them.

Representative HOFFMAN. Do you see the gentleman being led outside is a colored gentleman?

Here is one in the same series.

Here you find your colored boy laying on the railroad track. That is a different one than the other one.

Here is one with the—

The CHAIRMAN. You would not say his civil rights were violated, would you?

Representative HOFFMAN. No, not if the pickets were doing it. Of course not. That is, according to established practice, if you are referring to that. Of course, the law is a different matter and so is common decency.

Take a look at this boy after they got through with him.

Show it to the chairman, please. Here are two more.

Here is one I want you to really take a look at, if you will.

Here is one, and this was taken, mind you, in 1941, here are at least five fellows beating up the timekeeper who wanted to go into the plant to make out the checks to pay the fellows who had gone on strike and who were not working. Take a look at the CIO-UAW caps, 5 to 1, and the individual, Mr. Chairman, that is back of the man who is being beaten. That is Jess Ferraza; that is 1941.

Senator CURTIS. Did you say Jess Ferraza?

Representative HOFFMAN. I pronounced it "Ferraz" but Ferraza is probably right. He and his brother are both in that picture.

Senator CURTIS. What picture is that? We have so many pictures that I want it identified so I can refer to it in the record. What strike is it?

Representative HOFFMAN. That strike is the Ford Co. in Detroit in April 1941, and Jess Ferraza, as you call him.

I have attached these two items together. I do not know what it is, but it from the Kohler Co. Up in one corner, here is the same Jess. For 16 years that boy has been a member of the CIO-UAW, acting under orders—and Reuther is in this outfit—and for 16 years he has been beating people. Maybe they do not know it, but I hope they read the record and find it out.

Here is the one I referred to a moment ago, the same strike. If you will notice, here are the State police on horses, and they are back. In front there is a fellow getting ready to swing a club. What did the State police do? Nothing. I know. I saw it, Mr. Chairman.

The pickets had their caps on and they had a stick, a 2-by-2 stick with a spike, about a 20, driven through the end of it. That is Frankfurter's free speech business.

Senator MUNDT. Mr. Chairman, I wonder if we could have this particular picture identified so that we can refer to it in the record. It is rather significant in these hearings.

The CHAIRMAN. Has that one already been made an exhibit?

Senator MUNDT. I believe it is part of a group of exhibits.

The CHAIRMAN. We will make it an exhibit, then.

Senator MUNDT. Can we make this No. 74?

Representative HOFFMAN. I think that is the Kohler April 3 publication.

The CHAIRMAN. Let us get it properly identified. Will you examine this picture and document and state what it is?

(The document was handed to the witness.)

Representative HOFFMAN. On the other side it is, "Violence on the Picket Line."

The CHAIRMAN. Can you identify the picture?

Representative HOFFMAN. As you look at it, it is upper right corner that Jess Ferraza—his name is on there.

Senator MUNDT. Will you read the names of the other people on there? There are some of the same names that we have had in the Sheboygan hearings.

The CHAIRMAN. That document may be made exhibit No. 74.

(The document referred to was marked "Exhibit No. 74" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. Vinson to the left; Gunaca.

Senator MUNDT. William Vinson?

Representative HOFFMAN. William P. Vinson.

Senator MUNDT. That is the same man we had in the Sheboygan matter.

Representative HOFFMAN. Gunaca. You understand, I am not reading from the Ford strike now.

Senator MUNDT. I thought you were talking about the Ford strike.

Representative HOFFMAN. I was. I was talking about the Ford strike in 1941, where Jess with his brother was beating up that fellow. Then, I came down along to the Kohler strike, and all I am saying about that is—

Senator MUNDT. I misinterpreted it. I thought you were talking about these people being in the Ford strike.

Representative HOFFMAN. I do not know about these people, no. I do not know whether they were in the Ford strike or not.

The CHAIRMAN. The document that has just been made 74 refers to the Kohler strike, does it?

Representative HOFFMAN. The picture refers to the Ford strike and the other one, I think, came from the publication put out by Kohler. I just happened to notice it and hooked them together. It is for the sole purpose of showing the violence.

The CHAIRMAN. Well, we have the pictures of the Kohler strike and the Ford strike in exhibit 74.

Representative HOFFMAN. And showing that off and on for at least 16 years he had a job of beating up people. I referred a few moments ago to the West Penn Hospital. That is up in Allegheny County. They called the strike on one hospital. There are 20 others in that county that they intended to close with strikes.

The people that were doing it, as I said a while ago, were convicts and ex-convicts and Communists, some of them.

Here is a file on that. There is no need to put it in here because it is too big, but it shows that they have not any more respect—didn't have then—than later on when we had the Michigan sitdown strikes and they cut off the hospitals there.

Senator MUNDT. What union is involved in the West Penn strike?

Representative HOFFMAN. The question of the CIO strike calling for membership. They wanted the hospital employees to join up. It would be interesting, incidentally, if you care to read some of the statements in the papers.

Senator MUNDT. What union?

Representative HOFFMAN. What?

Senator MUNDT. Which union?

Representative HOFFMAN. It was a CIO union; which particular one, I don't know. It is in the file. You can see it.

Here is another bunch of pictures.

Here is one the committee might be interested in because I have weapons like these, some of them, over in the office, if you want to take a look at them. These were at the Ford Motor Co.

The CHAIRMAN. That picture may be made exhibit No. 75 and any others there related to it.

(The documents referred to were marked "Exhibit No. 75" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. That one at West Penn is local 601, and the strike was called by David Kaness.

I made a mistake. I said 20 hospitals. There are 25 others. It is 26 in all.

Let us talk about the one for a moment, if you have time, over at Shakespeare, Mich. At the Shakespeare strike, 200 goons came in in the early morning—

Senator CURTIS. Where is Shakespeare? Is that a town in Michigan?

Representative HOFFMAN. Yes. It is 23 miles from my home. It is in Kalamazoo County, Mich.

Senator CURTIS. Fine.

Representative HOFFMAN. It is the home of the Shakespeare Tackle Co.

Senator MUNDT. Which union are you talking about there?

Representative HOFFMAN. The tired look, the inevitably tired look on the faces of the members of the committee—I do not want to tire you, but I do want to get—

Senator CURTIS. I am interested about the Shakespeare situation, but I was not sure I knew the location.

Senator MUNDT. I would like to know which union, so we could know which unions are involved as you go through these.

Representative HOFFMAN. Counsel advises me that I neglected to put in here strikes in defense industries, May 26, 1941, Office of Production Management, Labor Division. That was during the war.

Here is a list of the strikes. You might be interested in it.

The CHAIRMAN. That may be made exhibit No. 76.

(The document referred to was marked "Exhibit No. 76" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. I venture the opinion, if it might be permissible, if you will list those strikes and send your staff to look at the newspapers, you will find there was violence in practically all of them. They are defense industries, mind you.

I tried to get out of the Labor Department something more on that since that time, but was not very successful. They are also listed there under AFL and CIO.

Now, I will go back to Shakespeare. These 200 goons—

Senator MUNDT. I will go back to my question. Which union is involved in the Shakespeare strike?

Representative HOFFMAN. The UAW. I am not talking about any union today except the UAW, CIO or some of their affiliates.

Senator MUNDT. The hospital strike would not be a UAW strike, would it?

Representative HOFFMAN. Wait a moment. That was December 4, 1948, December 4, 6, and 17. Here is the union: Local 3619, United Steel Workers of America, CIO, serviced by international representatives from Detroit, Thomas Shane and Glenn S. Sigman.

Senator MUNDT. So the Shakespeare strike was the United Steel Workers strike?

Representative HOFFMAN. Yes; but the strike is at Shakespeare, but they are all in bed together.

Do you want to know what they did to Shakespeare?

Senator MUNDT. Go ahead.

Representative HOFFMAN. All right. They came down there in the morning. The chief of police stayed in the city hall. The sheriff stayed over in the county court building, and the strikers worked their will down there. They burned a truck. They stopped outside a fellow from Tennessee, who was out there waiting to get in, a little fellow, and started an argument with him and broke his arm.

One of the girls sitting there that lived up in my home area, they walked up to her, two of those fellows—and this is all sworn testimony—grabbed her by the hair, and slapped her, and I saw her face, black and blue, and a good-looking girl at that. I do not suppose Mr. Reuther knew anything about that.

Certainly he did not, but he must have heard about it sometime. I made noise enough about most of these strikes in Michigan.

That is your Shakespeare.

Now, to get off the strike, to kind of give you a rest a minute, I will tell you something about Mr. Reuther, if you are interested.

He said something about a member of the committee a few days ago, something about being a coward. On Mr. Reuther, here is his selective service record. I would not read it. I will put in part of it.

The questionnaire was mailed to him on the 16th of January 1941, to be returned January 21, 1941. It was returned on the 21st, signed by Walter P. Reuther. This is from the record of the draft service.

Here it is:

First joint large toe on right foot amputated; 8 years elementary school; 4 years high school; 3 years at Wayne University, economics, sociology, labor problems.

At the present time, CIO have begun this for 3½ years: salary \$57.50 a week. Employer: International Union, United Automobile Workers of America, CIO, at 281 West Grand Boulevard, Detroit, Mich., whose business is a labor organization.

Other business or work in which I am now engaged is member of international committee on training, within the industrial division of the National Advisory Council. Served apprenticeship at Ford as tool and die worker, all types of tool and die construction, bench and machine, 1924-36.

Married, March 13, 1936, and lives with his wife. Wife, Mary Wolf Reuther, age 30, received \$1,000 per year.

Also claims Anna Mae C. Reuther, age 17, sister. Date when support began: September 1, 1940, \$10 weekly, NYA.

And it cost me to maintain my home for the last 12 months, \$1,000. Rents house at \$60 per month. Reuther was born in Wheeling, W. Va., September 1, 1907.

Reuther's statement regarding classification:

My wife intends to discontinue work within the next month or two, at which time she will become entirely dependent.

Signed, "Walter P. Reuther."

And then the action by the board. There was a letter that came in there.

Put this in the record. I will not read it all.

A letter came in there from Phil Murray and R. J. Thomas, asking that Reuther be deferred because of his occupation, to keep peace in the labor movement and things of that kind. Then the deferment was passed on. But Reuther didn't want to be deferred on dependency. He wanted to be deferred on the other.

These two officers of the CIO failed to appeal from the draft board in the first class.

The CHAIRMAN. Which was he finally deferred on?

Representative HOFFMAN. He finally was deferred——

The CHAIRMAN. On the defective toe?

Representative HOFFMAN. Dependency.

The CHAIRMAN. Dependency, or that he could keep peace in the labor movement?

Representative HOFFMAN. He was deferred on dependency because that was of a higher classification than the occupational one. They give you the top mark. He didn't ask to be deferred on dependency, mind you.

I found something in the Congressional Record, a talk by Mr. Cox, the Record is not always accurate. Congress Cox was reliable and it refers here to Weinstein and Morris Sugar. Well, Walter Reuther once was a candidate for council man in Detroit. Morris Sugar was also a candidate. I had his campaign literature. He ran as a Communist, and he put out that statement that there is no God, religion is a fraud, the priests and ministers are hypocrites. That is Morris Sugar who has been associated all through. Morris was an attorney for the CIO-UAW, too.

He was a Communist. He didn't deny it. Unfortunately, I can't produce that, Mr. Chairman. I loaned it to two House Members, one of whom became a Member of the Senate.

The CHAIRMAN. Is he still a member of the official family of the UAW?

Representative HOFFMAN. Sugar? He was their attorney.

The CHAIRMAN. You don't know whether he is still a member of their official family or counsel for them or not?

Representative HOFFMAN. No; I think he faded out. He was convicted for some sort of draft evasion and they discarded him. That is my recollection.

Here is something at about that time: The Communists at Detroit perpetrated frauds on the city by swearing that they were unable to pay for medical examinations. Among those who so defrauded the city of Detroit were Walter Reuther and his wife and his brother Victor Reuther and his wife.

At the time the city of Detroit was so defrauded, both Walter and Victor Reuther had good incomes from their CIO union activities. Testimony of John D. McGillis, secretary, Detroit Council, 305 Knights of Columbus, volume 3, page 1248.

I know nothing about that, except as I get the record.

Then:

Walter Reuther was president of the West Side Local 174—

he called one of the strikes against Cadillac—

automobile workers in Detroit at the time he signed a statement that he could not afford to pay for medical examination and treatment for himself and wife

and got such examination and treatment at the expense of the city of Detroit. At that time the West Side local, of which Reuther was president, claimed a membership of 30,000.

Sgt. Harry Mikulic, Detroit Police Department, testimony, volume 2, page 1286.

Both Walter Reuther and his wife got these treatments, and in 1 case, 1 voucher or charge amounted to \$122 paid by the city of Detroit to Dr. M. N. Shafarman.

The same individual's testimony is at page 1287.

Then the others, Victor, if you are interested in Victor and his wife, they got it, too. I mean they got relief at the same time.

Now if you are interested, going back a little bit, in August of 1941, I think it was, there was a fight on. Here is a 4-page mimeographed piece of material distributed by George Addes. He was the opponent in the UAW-CIO of Reuther at that time for an office. This meeting was at Buffalo, N. Y., in August, I think it was the 8th, at the municipal auditorium on Main Street.

The convention developed into a fight between supporters of John L. Lewis and Sidney Hillman. The Addes group belonged to the Lewis crowd, and the so-called Walter Reuther group were supporting the Hillman side.

As a result of this bitterness, both sides entered into personalities, and on the night of August 9, a caucus was held by the Reuther group on the first floor of the auditorium, and the opposing Addes group held a caucus of several hundred men on the second floor.

It was during this caucus meeting that this material was handed out by Addes, Reuther's opponent. Whether it is true or not, I don't know, but the report of the convention is accurate as far as that goes. Then the letter is in here.

At that time, this letter, you will remember, came up. The letter was produced there.

Mr. Bishop was asked whether that letter had been written to him, and he said it was.

I want to offer this.

(At this point, Senator McClellan left the hearing room.)

Senator CURTIS. I would like to have it made an exhibit.

Senator ERVIN. That will be exhibit No. 77.

(The document referred to as exhibit No. 77 was marked for reference and may be found in the files of the Select Committee.)

Representative HOFFMAN. If the committee is interested in that letter at all, and it has been back and forth over the years, here is an article in the Saturday Evening Post of January 14, 1948, which I want to make reference to, with the privilege of putting in such excerpts as may be necessary and relevant, Mr. Chairman.

Senator ERVIN. Who wrote the article in the Saturday Evening Post?

Representative HOFFMAN. Well, one of their staff members. One of these articles states something about getting rid of the Communists, and the CIO did get rid of certain Communists: If you will remember James Carey, at times he insisted that that electrical union either kick him out or he kick the Commies out, I don't know which it was. But I haven't seen any evidences that he had anything to do with the Communists except fight them.

Senator ERVIN. Frankly, Mr. Hoffman, we are supposed to receive testimony of witnesses or sworn affidavits as evidence.

Representative HOFFMAN. You may be supposed to, Mr. Chairman, but that hasn't been the practice, as I have watched it.

Senator ERVIN. No; it hasn't. I will say that. It has been the practice, but it has not been enforced. We have some rules in this committee which the committee members, perhaps including myself, have not observed strictly.

Frankly, I just do not know why the article in the Saturday Evening Post should be printed in the record.

Representative HOFFMAN. I wouldn't want the whole article. All I am suggesting is if you are interested, perhaps members of the committee want to use this to ask Mr. Reuther some questions. Mr. Reuther can be asked about all these incidents.

Senator CURTIS. Would you give us the date of the issue you are talking about?

Representative HOFFMAN. This article?

Senator CURTIS. Yes.

Representative HOFFMAN. August 14, 1948, and other pages.

Senator ERVIN. Isn't there some certain date? Isn't the Saturday Evening Post published weekly?

Representative HOFFMAN. Yes; August 14, 1948, and August 21, and September 2, 1948?

Senator ERVIN. I would suggest that you refer to any part of it which you deem appropriate, and anyone who wishes to use it as a basis for questions can do so. But unless the committee overrules me, I would not put it in the record at this hearing.

Representative HOFFMAN. I agree with you that is what the rules should be.

But, unfortunately, pretty near everybody is putting in testimony. The statements that you get from the paper are only the reporter's story of what he thinks he saw, and his interpretation of it.

But if those stories are all false about all of these strikes, some of them—some of them I saw myself, I know about that. So you will have to add that to whatever weight you give to my statements. If these stories are false, don't you think we should have a law that the reporters ought to be required to tell the facts?

Senator ERVIN. Yes; but it has not been a practice of this committee to put the newspaper articles in the record.

It has been a practice of this committee, thought, for any member of the committee to use a newspaper article for the purpose of asking a witness whether he can verify the facts in that article.

Representative HOFFMAN. From a legal point, I agree with you. But the committee cannot get anywhere unless it consults the newspapers. You might say that the newspapers are 50-percent true, if you want to say only that much. Personally, I accept the reporter's statement when he is talking about facts. I don't pay any attention to what the editor or the columnist says.

Senator ERVIN. Yes, sir. You will be at perfect liberty to refer to any of those passages in the Saturday Evening Post that you deem relevant or appropriate.

Representative HOFFMAN. It might be relevant and it might be helpful. For instance, the Post inquired about the "Dear Mel" letter, and it is my understanding that Mr. Reuther said it was a youthful something or other, when he was young and foolish, which might be true.

So far as I can see, he is knocking them right and left—I will strike that out. His men are knocking them right and left today. I don't go along with this guilt by association, but I do go along with guilt by participation.

And when over a period of twenty-odd years an organization to which I belong has been engaged in sucking eggs or stealing chickens, I want to resign.

(At this point, Senator McClellan entered the hearing room.)

Representative HOFFMAN. There is another one here. There are two.

The CHAIRMAN. I understand that is a Library of Congress publication?

Representative HOFFMAN. Yes, and it has to go back there.

Senator CURTIS. It has not been offered as an exhibit. He merely had him identify the volumes to which he referred.

The CHAIRMAN. Yes. And if anyone wants them to be made exhibits, they can be made exhibits by getting photostats of them.

Representative HOFFMAN. One was written by Stohlberg and the other one was written by Jack Alexander. Here you are.

The CHAIRMAN. All right.

Representative HOFFMAN. If the committee is interested this is a list of hearings that were held which show violence.

The CHAIRMAN. That list may be made exhibit No. 78, for reference.

(The document referred to was marked "Exhibit No. 78" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. It might be helpful to some members who want to consult the newspapers about that same date.

Senator MUNDT. May I ask you a question, Congressman? In this August 14 issue of the Saturday Evening Post, there is what purports to be a copy of a letter signed "Vic and Walt", meaning, I presume, Victor and Walter Reuther, addressed to "Dear Mel and Glenn", dated January 21, 1934. I don't think anybody has seen copies of that letter, or alleged letters, several times, so I wanted to ask you whether, from your knowledge, any suit had ever been filed by the Reuther brothers against the Saturday Evening Post disclaiming the validity of the letter.

Representative HOFFMAN. No. I inquired about that. I know of no other suit that has ever been filed by Reuther, though there may have been, for libel or anything else, along that line, except one for \$100,000 he filed once against the Ford Motor Co., in Detroit.

But the outcome of the thing or what they did with it, I was never able to learn.

Senator MUNDT. Was that suit based on this letter?

Representative HOFFMAN. What?

Senator MUNDT. Was that suit against the Ford Motor Co. based on this letter?

Representative HOFFMAN. No. It was something else.

Senator MUNDT. I don't know anything about whether the Messrs. Reuther wrote this letter or not. I have seen copies of it from time to time. It would seem to me that if they did write it, it wouldn't appear in the Saturday Evening Post, and if they didn't write it, it would be a case where they could instigate a suit for damages, be-

cause the Curtis Publishing Co. is a substantial company. Do you know if they have ever sued the Curtis Publishing Co.?

Representative HOFFMAN. You can ascertain that by asking the Curtis Publishing people. They have an office downtown.

Senator MUNDT. I was asking from your knowledge.

Representative HOFFMAN. Not to my knowledge, no. I have never learned that Reuther ever protested until last Sunday the violence in which his members have been engaged, consistently. I never heard of it.

Here is the meat strike. This meat strike covered 20 States.

Senator MUNDT. Is that a UAW strike?

Representative HOFFMAN. No, not a UAW. It is a CIO.

Senator MUNDT. At the time Walter Reuther was an officer?

Representative HOFFMAN. I don't know that he did, but I know this, that some of the same men that have been engaged in these others—there is a perfect pattern that runs through the history of these strikes, the same individuals all the time. They were over in Dayton, Ohio. I saw violence there.

Senator MUNDT. May I ask you this: Is this your position, and is this what you are trying to establish by a list of these strikes, that there is a pattern of violence wherever strikes are occurring in which Mr. Reuther's union or the associates of Mr. Reuther are participants; is that what you are trying to establish?

Representative HOFFMAN. That is the fact. At the time of the meat strike, Walter Reuther was president of the UAW-CIO, and vice president of the CIO. It was a CIO strike. Only the meatpackers' locals were carrying it on. It is the same group. They were all either Catholics or Protestants, this whole outfit, in all of these strikes. They are all tied up together.

Senator MUNDT. Is it your position, then, that the strikes in which Mr. Reuther's unions have participated, or in which people associated with him in official union ranks participated, always produce violence?

Representative HOFFMAN. They are all in the same pattern, basically by the same people, using the same methods, which was mass violence.

Senator MUNDT. That answers the question.

Representative HOFFMAN. Of course, Mr. Reuther did not know of all the incidents, either before or right after they occurred. But if he read a newspaper, he certainly had knowledge of what was going on, generally. Ask him about it when he comes on. Is he so ignorant?

Well, I am making a speech now. I will quit. Ask him if he didn't know, and if he didn't, why didn't he know?

On the meat strike, here are 20 of them. Someone told me that the chairman said the committee had an investigation on these strikes. Whether Reuther is in it or not, you are interested in somebody besides Reuther, I take it.

Talking about violence, these strikes covered 20 States. I want to offer some of these pictures: May 12, 1938, Wilson & Co., entrance, Albert Lea, Minn. It shows the picture of the UPWA-CIO Local 6 and two automobiles turned over. These traveled the highway carrying meat products.

I want to offer them, every one of these. These pictures are part, according to the record, of several hundred, and the only reason these few were put in was because of the expense of printing all of them.

Many of these pictures were taken by our staff representative, who testified under oath here that they were accurate, and taken at the scene.

On page 209 they are talking about the violence.

Senator ERVIN. Mr. Hoffman, I would like to ask you a question. I am interested in this subject. What remedy would Congress be able to devise to take care of the violence situation in strikes?

Representative HOFFMAN. May I suggest something before we get to Congress? The local law-enforcement officers. Then, leaving out Little Rock, and the President's authority to stop that violence, we will forget that for a moment, you want to know what the Congress can do.

The Congress, by legislation, which is applicable only to the unions, the Norris-LaGuardia Act, the Sherman Act, the Wagner Act, and all of that, they are outside of the trust legislation.

In my judgment there is no more reason for exempting a union than there is for anyone else. Under the Wagner law they had many, many privileges. Under the Taft-Hartley Act they have many, many special privileges which do not apply to the average individual or the average businessman. I have been characterized as being bitterly antilabor, which, of course, in my judgment, is far, far away. We need legislation——

The CHAIRMAN. Let me ask you a question a moment. You said something about Little Rock. I don't know what Little Rock has to do with this.

Representative HOFFMAN. He asked me what the Congress could do, and I slopped over into the executive branch. The President sent troops down there on the school business. That was his judgment, not mine.

The CHAIRMAN. You do not anticipate Federal troops would ever be sent in to stop a strike, do you?

Representative HOFFMAN. Do I think so?

The CHAIRMAN. Yes.

Representative HOFFMAN. Not as long as you elect a President by a political party and by ballots.

I will have to take that back. Grover Cleveland did it in the Pullman strike in Chicago. Then President Teddy Roosevelt did it, when he said, "You will either dig coal or we will."

There are two Presidents who did.

Well, those Presidents were good men. Presumably if a government called upon a President for help he would give it.

The CHAIRMAN. I don't think there will be any more Little Rocks. I think there has been enough.

Representative HOFFMAN. If the civil rights legislation that we passed applied to the average, ordinary, decent citizen—gave him protection when he wanted to earn a living—well, it doesn't apparently.

The CHAIRMAN. All right; let's proceed.

Senator ERVIN. The reason I was asking the question, Congressman Hoffman, is because I believe you and myself both believe in keeping the Government as near at home as possible.

In other words, we believe in local self-government, and government by the States, and I think we agree on the proposition that the suppression of violence is essentially a matter for the State governments.

Representative HOFFMAN. That is right; first the local governments.

Senator ERVIN. Personally, I am opposed to legislation which would give the Federal Government the power to go into a locality merely to enforce laws against assaults and things of that kind.

Representative HOFFMAN. I agree with you. I agree with you as long as the local officers will perform their duties and only the other should come as a last resort and to prevent the people at home who aren't protected by their officers, from going in, as they did at Monroe, as they did at Bay City, as they did in 2 or 3 other places, and taking the law into their own hands, which only leads to civil war. I am against that.

In the fourth district of my State, the judge sent a man to jail for a year or two for violence on a picket line, and the Governor pardoned him within 29 days, and he was down on the picket line again in a few days. What are the law-abiding people to do?

We don't have violence in the fourth district. Our sheriff takes them to jail now. You see, that is all there is to it.

But you talk about the Federal Government. There is something that I think the Federal Government can do. We have granted special privileges to the members of the unions. If I have a boy and he drives my automobile too fast all the time, I take it away from him. I would take away by legislation those special privileges when they engage in a strike which ties up a municipality.

For instance, here you had the transit strike, didn't you, and thousands of workers—didn't we—and thousands of workers didn't get to their jobs with the Federal Government.

We sat back and let them do it. I wouldn't stand for that. I would make the company operate the plant, the transit system, and if there was a loss, I would charge it off against the taxpayers.

I wouldn't let them turn off the lights here. They do it in the smaller communities. They stop your water supply, your fuel, and Hoffa in Detroit—I couldn't ship my own apples into Detroit by truck unless I paid him \$25, so I sent them somewhere else. Every fellow can't do that.

The CHAIRMAN. The Chair will announce that this is a quorum call preceding a vote. However, in the Senate you can never be quite sure. There might be someone who will start talking again when they get a quorum call.

We will proceed until we hear the signal for a vote.

Representative HOFFMAN. In those meat strikes, they are talking about violence: Bottles of bleaching liquid thrown though the windows, and so on, quart beer bottles thrown through other windows, shattering inside.

All through, there is a whole list of them here, on page 209.

The CHAIRMAN. That document may be filed and made exhibit No. 79, for reference.

(The document referred to was marked "Exhibit No. 79" for reference and may be found in the files of the select committee.)

Representative HOFFMAN. Here are others: St. Joseph, Mo., showing car being turned over by a mob.

April 20, 1946, 10:20 a. m., official photograph of Chicago Police Department showing 31st Place and Benson Avenue, Armour Soap Works, pickets surrounding truck—

And so on.

Here is another truck turned over, on page 217. I want to offer all of these.

The CHAIRMAN. They have all been made an exhibit already.

Representative HOFFMAN. Perhaps the members of the committee are interested. Certainly some of the union officers who direct strikes ought to be interested in this one, Mr. Chairman. Here is one from Omaha, Nebr., on April 26, 1948, at 6:45 a. m., 33d Street. This is what they call a slick picket line. You gentlemen who are interested in what a picket line was, raincoats are smeared with dirty crankcase oil. Picket marked "1" has entire back of the coat covered with the dirty, carbon-filled oil. They are shown at the entrance to the Cudahy plant. Several employees, male and female, have had their clothing ruined. They go out there and put on a long raincoat, then they smear grease all over it, and then they stand in a picket line.

It makes it effective. Not much force, but just the greasing. If you have noticed in these picket lines—I noticed the other day something about picket lines and what they were—you will find them linked arm to arm.

The CHAIRMAN. Congressman, it is not force in the sense that we usually use it, but it has a persuasive force.

The individual that wants to go somewhere anticipates that there might be something doing.

Representative HOFFMAN. May I have these all in?

The CHAIRMAN. I have already placed them all in.

Representative HOFFMAN. All right. Then I will just call your attention to one. This is John Morrell Co., showing logs and lumber piled on the railroad tracks, barricading the freight cars. That happened in South Haven, Mich. They didn't put logs on, but just persuaded the engineer and conductor not to run the train down there. Here is another one in April, the same plant, a charred piece of lumber removed by the employees shown in the picture, when they extinguished the fires. They built fires under the railroad cars on the track, where they carried meat products.

I understand they will all go into the record with a notation at the bottom.

The CHAIRMAN. The whole document has been made an exhibit, exhibit 79.

Representative HOFFMAN. You have had a quorum call?

The CHAIRMAN. Yes. But I was hoping we could conclude before we go to vote.

Representative HOFFMAN. I was, too. But there is no end to this business. You have to cut me off where you want to.

The CHAIRMAN. Well, let's find an end to it somewhere.

Representative HOFFMAN. Here is the North Electric Manufacturing Co., Galion, Ohio. This is in an adjoining town. The Government had a \$4,000 switchboard down there, and they went in and wrecked that.

The CHAIRMAN. That book may be made exhibit No. 80.

(The document referred to was marked "Exhibit No. 80" for reference, and may be found in the files of the select committee.)

Representative HOFFMAN. I might say, if that is all the committee wants to hear, it is all right with me. I have probably twice as much as that.

The CHAIRMAN. Maybe at a later date we can accommodate you further, but the committee has put in a long day today. We do have to get over there to vote.

The committee will stand in recess until 10 o'clock Tuesday.

(Whereupon, at 5:10 p. m., the hearing was recessed, with the following members present: Senators McClellan, Ervin, Curtis, and Mundt.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, MARCH 18, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were Senators McClellan and Ives.)

The CHAIRMAN. The Chair will make an announcement. There are only 2 of us present; 1 chairman, and 1 vice chairman, and 1 is a Republican and 1 a Democrat. We get along pretty well in these things, but I feel that, under the circumstances, we should not proceed until at least 1 other Republican member of the committee is present, and the vice chairman agreed with me. Therefore, we will suspend until someone arrives.

(Brief recess.)

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Walter Wagner.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WAGNER. I do.

TESTIMONY OF WALTER H. WAGNER

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. WAGNER. My name is Walter H. Wagner. I reside at 238 Washington Court, city of Sheboygan. I am the retired chief of police of the city of Sheboygan as of October 1, 1955.

The CHAIRMAN. How long did you serve in that capacity, Mr. Wagner?

Mr. WAGNER. Twenty-nine years and eight months.

The CHAIRMAN. You waive counsel, do you?

Mr. WAGNER. I do.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Mr. Wagner, you were chief of police during the so-called clay-boat affair in July of 1955?

Mr. WAGNER. I was.

Mr. KENNEDY. You were present at the time that the incident took place down at the dock, or at least part of the time?

Mr. WAGNER. Part of the time; yes.

Mr. KENNEDY. You went down to the docks early in the morning, did you?

Mr. WAGNER. I did.

Mr. KENNEDY. Did you see a group of people present at that time?

Mr. WAGNER. Yes; I did.

Mr. KENNEDY. Could you relate to the committee what you saw early in the morning when you went down there?

Mr. WAGNER. Well, gentlemen, I believe I can give you quite a clear picture as to what happened there that morning.

The CHAIRMAN. Go right ahead.

Mr. WAGNER. I received a call from Sergeant Zimmerman, telling me, he said, "Chief, I believe we are going to have some trouble down there this morning."

He said, "They threw up a mass picket line." I told him to get down there with either 10 or as many men as he could spare from his shift, and at the same time hold the No. 3 shift in reserve, because the time was shortly before 8 o'clock. So I proceeded down there. When I arrived there, here was a picket line of 19 pickets in the entranceway to the dock. There also were about 12 to 15 pieces of unloading equipment, and what I observed then was Rand talking to Buteyn.

Then Rand came back up to the head of the column of the trucks which were facing the entranceway, and then he came up and he reactivated the picket line by using his fingers. At that time there were about 3 or 4 more pickets stepped into that line. Then he stepped out at the head of the column there on the driver's side of the trucks, and he motioned to the driver, and he said, "Come on; get out of here. You are just holding up the traffic."

However, the truckdriver paid no attention to him. Well, it seems strange to me that the truckdrivers did not want to go in there, because I asked them. I said: "If you fellows want to get in there"—and he told me, the first truckdriver did, that he did not want to cross the picket line.

So I proceeded down to about the third or fourth truck, and I asked another truckdriver, and he told me then that he would not cross the picket line. So I came back up and then is when Mr. Buteyn came up at the head of the column and he waved on his truckdrivers and told them to proceed and go on home.

Until about the fifth or sixth truck, that is when these Caterpillars were then taken off. The rest of the equipment and everything left the scene at the time.

Then I saw a consultation going on in the dock area between Mr. Desmond, Mr. Biever, and 1 or 2 others, and also Mr. Buteyn. So I entered into this consultation and here is what the discussion was:

It appeared to me that there were all kinds of surprises to them that these truckdrivers had taken this attitude. So then Mr. Biever said, "Well, I don't know what shape our equipment is in, but," he said, "we will make an attempt to go and unload it ourselves."

So at least I left, and I told Sergeant Zimmerman to remain there and I don't know just exactly what was going to happen, and I informed them that I felt as though the Kohler Co. might want to unload their own truck.

Up until that point, I always had, and when I went there I had something in mind as to what might happen, and it might have spelled some trouble.

The CHAIRMAN. What do you mean by that?

Mr. WAGNER. Well, there was an injunction pending in the circuit court, an injunction pending against them to cease and desist, and here they were in mass formation again.

Mr. KENNEDY. There wasn't any question in your mind that there was a picket line present?

Mr. WAGNER. Absolutely.

Mr. KENNEDY. And the purpose of it was to keep the equipment from unloading the ship?

Mr. WAGNER. That I don't know.

Mr. KENNEDY. The purpose was to keep the equipment out of the dock area?

Mr. WAGNER. That is as it appeared to me.

Mr. KENNEDY. And the picket line, in your estimation, was being directed by Mr. Rand?

Mr. WAGNER. Absolutely.

Mr. KENNEDY. An international organizer of the UAW?

Mr. WAGNER. That is right.

Mr. KENNEDY. Now, do you want to go ahead and tell what occurred later in the day?

How many people were down at the dock area when you first arrived?

Mr. WAGNER. When I first came there, I would say, as I stated before, there were 19, and on both sides of the roadbed there probably were 50 more on each side of the road area, and across the sidewalk area, and they, however, were not picketing. They were standing around. This was a mixed group.

Mr. KENNEDY. What time in the morning was this?

Mr. WAGNER. This was shortly before 8 o'clock.

Mr. KENNEDY. So there were between 100 and 150 people down there?

Mr. WAGNER. Probably it could have been 200.

Mr. KENNEDY. About 200 people, of which about 20 of them——

Mr. WAGNER. Scattered around.

Mr. KENNEDY. Twenty of them were blocking the entrance to the dock area?

Mr. WAGNER. That is correct.

Mr. KENNEDY. After you had the conversation with Biever and the representatives of the company, did you leave that area and go back?

Mr. WAGNER. I left that area, because people that were gathered there, they were dispersing, and they were leaving.

Mr. KENNEDY. Did you feel there was not going to be any more difficulty?

Mr. WAGNER. Well, after I heard Biever say that they are going to make an attempt to unload the boat themselves, but he didn't know when, depending upon the shape the equipment was in.

So there was no definite time set when they were going to unload that boat.

Mr. KENNEDY. Did you expect that there would be difficulty if they tried to unload the boat?

Mr. WAGNER. Well, I anticipated trouble, yes, as it appeared to me; yes.

Mr. KENNEDY. Did you express your feelings to the representatives of the company that there would be trouble?

Mr. WAGNER. No, I did not.

Mr. KENNEDY. You did not?

Mr. WAGNER. I did not.

Mr. KENNEDY. If you felt there was going to be trouble, why didn't you tell them that you had these feelings about it, if they tried to unload the boat?

Mr. WAGNER. Why I did not tell them, you mean?

Mr. KENNEDY. Yes.

Mr. WAGNER. Well, I couldn't answer that. I don't know.

Mr. KENNEDY. Anyway, you left the dock area, and you went back to your office?

Mr. WAGNER. I did.

Mr. KENNEDY. And did you take any steps then to insure that when the company attempted to unload the boat, that they would have some protection?

Mr. WAGNER. Well, when I arrived at the station, here was a group of officers, probably numbered 12 to 15, being held in reserve, and Mayor Ploetz was then there, and he asked us what had taken place down at the dock.

I told him what had taken place, and that the Kohler Co. was going to unload the boat themselves. He then told me or asked me whether I had received a letter from the Kohler Co., and I told him that I had received a copy of the letter that he had received.

He then mentioned that he didn't like the idea of the Kohler Co. making demands on the city of Sheboygan, and not wanting to settle the strike. Then he said, "How many men have you got down there?" I told him about 10 down there.

He said, "Two is enough. I am going down there and handle it myself."

Mr. KENNEDY. Did you tell him that you anticipated difficulty?

Mr. WAGNER. Not at that time, because we didn't know just when they were going to unload that boat.

Mr. KENNEDY. What did you tell him? Did you tell him that men were needed down there or were not needed down there?

Mr. WAGNER. No. I also asked him as to what about this reserve shift, and he said, "Send them home, you won't need them."

Mr. KENNEDY. Did you feel that you would need them?

Mr. WAGNER. I didn't know. I didn't know when the Kohler Co. was going to unload the boat.

Mr. KENNEDY. Did you attempt to find out when the Kohler Co. was going to unload the boat?

Mr. WAGNER. I did a little later. Mr. Biever and Mr. Desmond then came into my office.

Mr. KENNEDY. Did they tell you when they planned to unload the boat?

Mr. WAGNER. They already had this one piece of equipment on its way down there, and he said, "There is a howlin mob down there," and he said, "I don't believe that we will be able to unload the boat." So he said, "However, there are two men on the trailer and we fear for the safety of those men and can we get somebody to go down there and get those men up here."

Well, I told him, I said I only had detectives left, and I assigned a detective squad to them to go down with them to point out these two men which they wanted to bring back.

I told them to bring them back to police headquarters.

Mr. KENNEDY. Had you anticipated that the Kohler Co. was going to unload the clay?

Mr. WAGNER. I did, but I didn't know when.

Mr. KENNEDY. Did you anticipate it was going to be that day?

Mr. WAGNER. It could have been, and I had it in mind.

Mr. KENNEDY. Did you inquire?

Mr. WAGNER. I did not. I was under the impression that they probably would let me know just when they were leaving the plant, but they did not.

Mr. KENNEDY. You anticipated that there would be difficulty when they did try to unload the boat?

Mr. WAGNER. I did.

Mr. KENNEDY. And ultimately they sent the equipment down, and then came and told you that their people were in difficulty at the dock area?

Mr. WAGNER. And Mr. Desmond and Mr. Biever came in and told me that.

Mr. KENNEDY. In the meantime, the police who had been held in reserve had been sent home?

Mr. WAGNER. I sent them home.

Mr. KENNEDY. That was on instructions of the mayor, Mayor Ploetz?

Mr. WAGNER. That is right.

Mr. KENNEDY. Then, when they told you about the difficulty with the drivers, did you send some detectives down to try to protect the drivers, the Kohler Co. drivers?

Mr. WAGNER. I did.

Mr. KENNEDY. And were they able to get them out, and extricate them?

Mr. WAGNER. They went down, the detectives, and they brought them two back, and also Mr. Desmond and Mr. Biever came back up again.

Mr. KENNEDY. What conversations did you have with them then?

Mr. WAGNER. Then Biever told me, and so did Mr. Desmond, and he said, "It is useless to try to unload a boat with that mob of people around there." He said, "We're going to leave that equipment set where it is, and do with it what you want to," Mr. Biever told me.

Mr. KENNEDY. The equipment at that time was about a block away from the dock?

Mr. WAGNER. Yes, sir.

Mr. KENNEDY. So what did you do about the equipment, and what did you do then?

Mr. WAGNER. Well, the mayor being in charge down there, I didn't do anything for the time being, but then it was brought to me, and to my attention, and I don't recall how I received the information that there was a telephone campaign on underway by the strikers, calling one another down to the clay boat, telling them to come down to the clay boat.

Mr. KENNEDY. There were various members of local 833 calling other members?

Mr. WAGNER. Calling one another.

Mr. KENNEDY. And telling them to go down to the clay boat?

Mr. WAGNER. Yes; and so I proceeded down there, and I noted that there was quite a gathering down there, and I figured it was useless to do anything at the time so I left and got in touch with Captain Hiemke at the time, and I told him to report to headquarters, which he did.

(At this point, the following members were present: Senators McClellan, Ives, and Mundt.)

Mr. KENNEDY. What was the makeup of the crowd when you went back there that time?

Mr. WAGNER. Well, they were milling around and standing around.

Mr. KENNEDY. Describe the crowd. What was the makeup?

Mr. WAGNER. Well, I would say there was a thousand people there, or more, and they were kind of milling around alongside of this equipment.

Mr. KENNEDY. Were they all men?

Mr. WAGNER. No; they were men, women, children, spectators, and more or less a mixed group.

Mr. KENNEDY. Were there many members of local 833 present, do you know?

Mr. WAGNER. Well, it was pretty hard to tell. There was some there I will say. It appeared to me that it got to a point where mostly spectators were coming down there and taking up the street area.

Mr. KENNEDY. And then you put Captain Hiemke in charge, did you?

Mr. WAGNER. I told Captain Hiemke to go down there. I, myself, made several unsuccessful attempts, trying to get that equipment off of the street, but nobody wanted any part of it.

Mr. KENNEDY. What time was it that you went back down, where you saw approximately a thousand people down there?

Mr. WAGNER. Well, I was there twice. This could have been along about—well, first I was there, I will say, shortly before noon, and then again about 10 o'clock or thereabouts.

Mr. KENNEDY. Did you go back down there again after that?

Mr. WAGNER. I just drove down there; yes. I did not get mixed into the crowd or anything, but I could observe that from an incline that was at the intersection.

Mr. KENNEDY. Did you try to get more police down there to help keep the crowd orderly?

Mr. WAGNER. I did not. Not at that time.

Mr. KENNEDY. Would you tell the committee why?

Mr. WAGNER. I had men down there. There were approximately 10 men assigned to that in the morning. I did not withdraw them, even though the mayor said that 2 will be enough.

Now, of course, these men, they were back and forth. There was motorcycle men, squad car men, beat men, and the sergeant was there.

Mr. KENNEDY. How many men did you have in the police department at that time?

Mr. WAGNER. I had 55.

Mr. KENNEDY. You had a crowd down there of 1,000, and there were some indications that it might be disorderly. Why didn't you try to get some more men down there to assist?

(At this point, Senator Ives withdrew from the hearing room.)

Mr. WAGNER. Well, the mayor directed me. He said "I will take care of the situation myself."

Mr. KENNEDY. Did you go and talk to the mayor and say "Now, as chief of police, I feel more men are required down there?"

Mr. WAGNER. No; I did not. He told me "When I need you," he says, "I will call you." He added that.

Mr. KENNEDY. You felt that it was in his hands rather than your hands; is that right?

Mr. WAGNER. That is right.

Mr. KENNEDY. And that you had no more responsibilities as far as assigning more men down there?

Mr. WAGNER. Well, I had responsibility, but at that time it was a crowd that could very easily get out of hand.

Mr. KENNEDY. That would be a reason, I would think, that you would want more men down there, Chief.

Mr. WAGNER. Well, I probably would have gotten more men down there in case something would have got started down there.

Mr. KENNEDY. Do you think, looking back on it, that it might have been a mistake on your part not to have assigned more men at that time?

Mr. WAGNER. No; I didn't think so.

Mr. KENNEDY. Do you now?

Mr. WAGNER. Well, it is an unfortunate thing that it happened. Let me put it that way. I will say it that way.

Mr. KENNEDY. You don't think that possibly the police could have used some help down there?

Mr. WAGNER. Well, we could have had probably more men down there. I will agree to that.

Mr. KENNEDY. Did you reach any conclusion as to who was responsible for what was going on down there?

Mr. WAGNER. No; I did not.

Mr. KENNEDY. Do you feel that the union was responsible, or representatives of the union?

Mr. WAGNER. Well, it certainly is a long outgrowth of the strike.

Mr. KENNEDY. Was the union or union representatives directing the crowd?

Mr. WAGNER. I did not see that.

Mr. KENNEDY. You did not?

Mr. WAGNER. Not at that time.

Mr. KENNEDY. At least initially, at the beginning, it was directed by Mr. Donald Rand?

Mr. WAGNER. That is quite right.

Mr. KENNEDY. As far as what was going on later in the day, you cannot tell us?

Mr. WAGNER. I am not familiar with that.

Mr. KENNEDY. But at least the initiative was taken by a representative of the union early in the morning?

Mr. WAGNER. It was.

Mr. KENNEDY. Did you go down there after that?

Mr. WAGNER. I drove by there—

Mr. KENNEDY. Other than the time you drove by, did you take any other steps in connection with it?

Mr. WAGNER. Later in the evening—yes, I did tell Captain Heimke then to go down there and find out what it takes to get that piece of equipment off. Then it was he coming on with his shift. I assigned him there with his crew of men down there then.

Mr. KENNEDY. And he has related to the committee what steps he took. Was anybody arrested by your police officers or by your policemen for what was going on down there?

Mr. WAGNER. Not to my knowledge.

Mr. KENNEDY. Did you inquire into why no arrests had been made?

Mr. WAGNER. I don't recall any more. We had consultation with Captain Heimke and with the officers down there. I didn't ask them why there wasn't any arrests made.

So for that reason I don't know.

Mr. KENNEDY. Did you make any investigation to find out who was responsible, or if any responsibility could be placed on any group or any individual?

Mr. WAGNER. Well, the captain, he made quite a thorough investigation of that. There were some windows broke and a car turned over, but no one knew who it was. I was informed that it was 4 youngsters, 4 boys, that broke some windows within the immediate neighborhood.

Mr. KENNEDY. Were there a lot of children down there?

Mr. WAGNER. Yes; there were.

Mr. KENNEDY. Did you find out whether there had, in fact, been a telephone campaign going on?

Mr. WAGNER. I cannot think or recall how that was brought to my attention, but there was.

Mr. KENNEDY. Did you inquire as to whether there was, in fact, a telephone campaign? Do you know?

Mr. WAGNER. That I do not know.

Mr. KENNEDY. Did you inquire into that?

Mr. WAGNER. Only from my informant. It seems to me as though one of my police officers at that time had brought it to my attention. But I don't recall who.

Mr. KENNEDY. Did you speak to any of the union officials about whether there had been a telephone campaign?

Mr. WAGNER. I did not.

Mr. KENNEDY. Did you feel that that was of some interest if the union was attempting to get people down at the dock when there was this difficulty and trouble?

Mr. WAGNER. Well, there were telephone campaigns of some nature going on all the time.

Mr. KENNEDY. Yes; but here you had some difficulty and problems at the dock. You had some information that the union or union members were telephoning, and telling other people to come down to the dock. Did you inquire into, first, whether that was in fact true, and, No. 2, if you did find out it was true, did you speak to the union officials about it?

Mr. WAGNER. I did not.

Mr. KENNEDY. "No" to both questions?

Mr. WAGNER. That is right.

Mr. KENNEDY. There are questions on other matters, but as far as the clay boat that concludes my questioning.

The CHAIRMAN. Let me ask 1 or 2 questions. I believe you have stated positively there was no doubt but what there was mass picketing down there that morning?

Mr. WAGNER. Yes; it was mass picketing.

The CHAIRMAN. And it was effective insofar as its purpose, to keep that boat from being unloaded?

Mr. WAGNER. I do not know that definitely.

The CHAIRMAN. Well, the boat didn't get unloaded; did it?

Mr. WAGNER. That is quite true.

The CHAIRMAN. And there were people down there with machinery to unload it?

Mr. WAGNER. That is quite right.

The CHAIRMAN. When machinery came up there, this Don Rand was in charge of a picket line.

Mr. WAGNER. That is right.

The CHAIRMAN. And had, by motion, put more men into the line?

Mr. WAGNER. That is right.

The CHAIRMAN. And told the truckdrivers to get out of there; they weren't going to unload it?

Mr. WAGNER. That is right.

The CHAIRMAN. So it was an effective mass picket line; was it not?

Mr. WAGNER. I think it was.

The CHAIRMAN. I don't know how it could be more——

Mr. WAGNER. I don't know what the agreement was.

The CHAIRMAN. I am not talking about the agreement. I am talking about it was effective for the purpose that they couldn't get in there and unload the boat.

Mr. WAGNER. They couldn't get in there.

The CHAIRMAN. You were an officer on duty and, therefore, witnessed and observed what kept them from getting in and unloading the boat. You know it was the mass picketing that kept them from getting in and unloading the boat; don't you.

Mr. WAGNER. That is right.

The CHAIRMAN. Did anybody deny down there that morning that they were mass picketing? I mean, it was perfectly obvious; wasn't it?

Mr. WAGNER. That is quite true.

The CHAIRMAN. To anyone that saw it?

Mr. WAGNER. That is right.

The CHAIRMAN. Did you hear Don Rand or any of the other national leaders, labor leaders of the union, saying they were going to pull out all stops if necessary to prevent that boat from being unloaded?

Mr. WAGNER. I didn't hear that.

The CHAIRMAN. You didn't hear that?

Mr. WAGNER. No, sir.

The CHAIRMAN. Was that their general attitude, though, from what you saw?

Mr. WAGNER. Apparently it was.

The CHAIRMAN. You could sense that from what you observed, couldn't you, being an experienced officer?

Mr. WAGNER. That is right.

The CHAIRMAN. They just meant for that boat not to be unloaded, and they were successful in carrying it out?

Mr. WAGNER. I believe that is correct.

The CHAIRMAN. All right. Thank you.

Senator Mundt?

Senator MUNDT. Chief, I am a little bit curious as to why, with a police force of 55, and what you call a howling mob taking place in the fair city of Sheboygan, that you didn't send more policemen down there to do something about it. You were the chief of police.

Mr. WAGNER. I had no more unless I would have called more men in, and then after the mayor gave me this information that he was going to take care of it, I left it up to him.

Senator MUNDT. You turned it over to Mayor Ploetz?

Mr. WAGNER. I did not turn it over. He——

Senator MUNDT. He took it over?

Mr. WAGNER. That is right.

Senator MUNDT. And he told you he was going to handle it with 2 men, that 2 men would be enough?

Mr. WAGNER. He asked me how many men I had there, and I said, "About 10"; and he said, "Two will be enough."

Senator MUNDT. Will you enlighten me how the mayor thought he was going to be able to do it with 2 when you could not do it with 10?

Mr. WAGNER. I can't answer that. I don't know.

Senator MUNDT. What do you think he had in mind?

Mr. WAGNER. I have no idea.

Senator MUNDT. Did he have a couple of supermen around some place that he was going to put in there to do the job that 10 weren't able to do?

Mr. WAGNER. I have no idea.

Senator MUNDT. You don't think two could handle it, do you?

Mr. WAGNER. Well, there were more there. I didn't withdraw the men that were there.

Senator MUNDT. In other words, you kept your men there, even though he said two would be enough?

Mr. WAGNER. I kept the men there, yes.

Senator MUNDT. Then you ought to be able to answer the question of whether you thought two would be enough or not. You weren't putting eight men in to do something that didn't have to be done, were you?

Mr. WAGNER. Well, the 10 were there on my instructions early in the morning. They were not withdrawn.

Senator MUNDT. So you did not think two could do the job?

Mr. WAGNER. I didn't think so.

Senator MUNDT. You don't normally send 10 men down to do a job that you think could be done by 2, do you?

Mr. WAGNER. Ordinarily, not.

Senator MUNDT. Ordinarily not.

You can't recall who told you about this telephone campaign?

Mr. WAGNER. Sir?

Senator MUNDT. You can't recall who told you about this telephone campaign?

Mr. WAGNER. I cannot remember.

Senator MUNDT. Do you think it was one of the officers?

Mr. WAGNER. I cannot remember. One of my own officers?

Senator MUNDT. Yes.

Mr. WAGNER. Yes. I believe it was one of the policemen that told me, but I do not recall which one it was.

Senator MUNDT. But after you heard about that telephone campaign, you went back down to the scene of the strike, did you not?

Mr. WAGNER. I did.

Senator MUNDT. Was there more people down there after you heard about the telephone campaign or less?

Mr. WAGNER. Well, people were coming and leaving all the time. There was more automobiles driving by there.

Senator MUNDT. Did you hear about the telephone campaign before or after the vandalism was committed on the truck and the caterpillar?

Mr. WAGNER. I don't know. I don't know. It appears to me that it was after that I got this information.

Senator MUNDT. That you got the information after the vandalism on the truck?

Mr. WAGNER. Yes.

Senator MUNDT. What investigation did you make about the \$6,000 damage committed against this truck, this equipment, the crane, the flat tires, the breaking of the air hoses, the smashing of the radiators, and so forth? This was in your jurisdiction. This was your responsibility to find out who did it?

Mr. WAGNER. Yes.

Senator MUNDT. What investigation did you make?

Mr. WAGNER. It was absolutely a police matter. But Captain Heimke was assigned to that that afternoon, plus—there was four detectives. I don't recall as to what the report read. But there is nothing more that became of it, nor was there any arrest made to my knowledge.

Senator MUNDT. No arrest was made?

Mr. WAGNER. Not to my knowledge, no.

Senator MUNDT. When you finally, late in the afternoon, got the equipment out of there, was it you or was it the mayor who made an announcement that you wouldn't help get the truck—

Mr. WAGNER. No—

Senator MUNDT. Wait a minute. You haven't got the question. Who made the announcement that you wouldn't help get the equipment out unless they promised never to use it again in unloading a clay boat?

Mr. WAGNER. I did not make that statement and I was not there when it was made.

Senator MUNDT. You did not make it?

Mr. WAGNER. No, sir.

Senator MUNDT. And you have been in this hearing room all the time we have been discussing the clay boat incident?

Mr. WAGNER. Yes.

Senator MUNDT. You heard the testimony that such a statement was made?

Mr. WAGNER. Right.

Senator MUNDT. I thought you made it.

Mr. WAGNER. I did not make it.

Senator MUNDT. You didn't hear it made?

Mr. WAGNER. No. I wasn't there at all when it was made.

Senator MUNDT. All right. It must have been Mayor Ploetz who made it, then. I don't recall exactly who made it. We will have the mayor on the stand later, I suppose, and find out. But you did not make it?

Mr. WAGNER. Right.

Senator MUNDT. Did you ever get a report or make an investigation of a dynamite cache in the back of the strike headquarters, the soup kitchen?

Mr. WAGNER. I did.

Senator MUNDT. Will you relate that to the committee?

Mr. WAGNER. We had, I believe as a matter of record, five automobiles that were dynamited, or at least dynamite thrown under the cars.

Senator MUNDT. Whose automobiles were those?

Mr. WAGNER. They were Kohler workers.

Senator MUNDT. Strikebreakers? Scabs, I guess they call them. Strikebreakers?

Mr. WAGNER. Well, I wouldn't relate to them that way.

Senator MUNDT. They were people working in the Kohler plant?

Mr. WAGNER. That is right.

Senator MUNDT. All right. Go ahead. You had 5 reports that the automobiles of 5 men working in the plant had been dynamited. Go ahead.

Mr. WAGNER. So we received some information that there was some dynamite found a half mile north of what is known as the soup kitchen, which was being maintained by the Kohler strikers, to the north. It was along a river bank. The sheriff and myself and the mayor, I believe—yes—and Sergeant Zimmerman, we went out there on a Sunday afternoon to investigate under what circumstances that dynamite was there.

We found that hid in a clump of underbrush, and there was caps and dynamite, fuzes.

Senator MUNDT. You actually found the dynamite yourself?

Mr. WAGNER. We did.

Senator MUNDT. Go ahead.

Mr. WAGNER. We discussed it, then, and we put a stake out on that dynamite for, I believe, a period of 4 days. This stake-out and the personnel was made up out of police officers from the city of Sheboygan and deputy sheriffs from the county sheriff's department.

Senator MUNDT. As I understand the phrase "stake out," that means you put some men in hiding to see whether somebody will come in to get the dynamite, so that you can find out to whom it belonged and make an arrest.

Mr. WAGNER. That is quite right.

Senator MUNDT. All right. Go ahead.

Mr. WAGNER. I believe it was about the fourth day, early in the morning, there was four men walking along the river bank, and one, he went direct to where this dynamite was. Apparently what the officers told me at the time was they were quite convinced that he had knowledge of that dynamite being there. It was not an accidental find. So they held all four men there at gun point and called me at my home and also the sheriff. We went out there.

We took those men in custody, together with the dynamite. We interrogated those four men. However, they denied it, and that they had no knowledge. They said that they had absolutely nothing to do with it. They didn't know how it got there. So we called in the district attorney, and he also talked to them. We finally got them to go down to the State crime laboratory for a lie detector test. They submitted to that voluntarily. So I believe it was the following day after arrangements had been made with the crime lab that we went down there, and we spent all day down there.

I was then told that one of them might as well be discharged because they felt he had no knowledge of it. There was three others. The director of the lie detector was quite certain that they knew something about this dynamite.

Senator MUNDT. In other words, 1 of them passed the lie detector test, and 3 of them flunked it?

Mr. WAGNER. That is right.

Senator MUNDT. All right.

Mr. WAGNER. Arrangements had been made by myself and the district attorney, 2 or 3 days later, I don't recall which, that they was to be brought back once more. However, that never did materialize, because they refused to go down there and take any further tests on advice of counsel.

Senator MUNDT. In other words, the three men who flunked the lie detector test then had counsel, and counsel advised them not to go down and submit themselves to any more questioning?

Mr. WAGNER. That is right.

Senator MUNDT. All right. Then what happened?

Mr. WAGNER. Well, the district attorney felt as though there was not sufficient reason there for the issuance of a warrant, and that was the end of that.

Senator MUNDT. Who were these four men?

Mr. WAGNER. I couldn't even—I don't recall their name. However, they were all men that were Kohler strikers.

Senator MUNDT. They were strikers?

Mr. WAGNER. That is right.

Senator MUNDT. And all four of them were union men on strike?

Mr. WAGNER. That is right.

Senator MUNDT. One of them, apparently, was innocent, if the lie detector test is to be relied upon, and three of them were involved, if you can rely upon a lie detector test, but the attorney general felt that simply relying on a lie detector test was insufficient evidence to prosecute in court?

Mr. WAGNER. Not the attorney general. It was the district attorney of Sheboygan County.

Senator MUNDT. So the case was dropped at that time?

Mr. WAGNER. Right.

Senator MUNDT. So what we have as concrete evidence is, No. 1, five automobiles owned by Kohler workers were dynamited; No. 2, your police officer found the dynamite cached.

Mr. WAGNER. That is right.

Senator MUNDT. No. 3, you had a stake-out, surrounded the place, waited for 4 days, and finally found 4 people walking along, and 1 of them went directly to the dynamite cache?

Mr. WAGNER. That is right.

Senator MUNDT. You arrested them at gunpoint, did what you could to build a case against them, without any firsthand evidence, without anybody making a confession, and 1 of them cleared himself with the lie detector test, 3 of them failed to do so, but all 4 of the men caught at the scene of the dynamite were union strikers?

Mr. WAGNER. That is correct.

Senator MUNDT. I should add that they refused to go back for a further test on advice of counsel.

Mr. WAGNER. That is right.

Mr. KENNEDY. As I understand it—in fairness to the four men, so it will be completely correct—the 4 men took the lie detector test, is that right?

Mr. WAGNER. That is correct.

Mr. KENNEDY. One of the men passed the lie detector test, is that right?

Mr. WAGNER. That is as I have been informed by the director.

Mr. KENNEDY. And on three, from a study of the lie detector test, it was undetermined as to whether they knew anything about it or not, is that correct?

Mr. WAGNER. That is correct.

Mr. KENNEDY. So they were going to bring them back and give them a lie detector test to find out if they knew anything about it?

Mr. WAGNER. That is right.

Mr. KENNEDY. It was not a question of flunking the lie detector test, but it was a question that the results of the lie detector test were inconclusive.

Mr. WAGNER. That is right.

Mr. KENNEDY. You say this was in a field outside, in back of the strike kitchen?

Mr. WAGNER. It was in a wooded ravine area.

Mr. KENNEDY. Did you feel that the union, members of the union, or the people around there, knew that you were staking out the place?

Mr. WAGNER. Well, it is possible. It was rather difficult to get in there, in and out, without being seen.

Mr. KENNEDY. Wasn't it fairly certain that the members of the union and the people in the strike kitchen knew that you were out there watching this area?

Mr. WAGNER. I wouldn't know. I wouldn't know whether they did. It is possible that they knew about it.

Mr. KENNEDY. What would be your best judgment on it as to whether they knew or did not, from the physical location of the place?

Mr. WAGNER. I can't answer that. In my estimation, I don't believe that they knew.

Senator MUNDT. I don't suppose you were standing out there like iron deer in a parkway. You would think of some means to try to conceal yourself.

Mr. WAGNER. I wasn't there, Senator, but these officers——

Senator MUNDT. I know that. But I mean the men that you were directing.

Mr. WAGNER. These officers, they were in hiding there in the bush.

Senator MUNDT. In hiding?

Mr. WAGNER. Yes. But for them to get in and out it was rather difficult.

Senator MUNDT. I think we should have on the record that when the tests were found inconclusive on the three, they were asked to go back and take the test. Why didn't they take the test the second time?

Mr. WAGNER. On advice of counsel they said they wouldn't take any further test.

Senator MUNDT. Do you know who their counsel was? Was it a union lawyer?

Mr. WAGNER. Well, it was: yes.

Senator MUNDT. It was a union lawyer?

Mr. WAGNER. Yes.

Senator MUNDT. And he had advised them not to go back and take the test?

Mr. WAGNER. As I remember it correctly, I received a letter. I do not remember from which one of the attorneys. In fact, there were two involved. They informed me that they had advised their clients that they were not to go down there.

Senator MUNDT. Do you have that letter in your possession?

Mr. WAGNER. No, sir.

Senator MUNDT. Do you have it in your files?

Mr. WAGNER. Well, it would be in the files, but I have no possession of any files no more.

Senator MUNDT. Mr. Chairman, it would seem to me that letter would be rather pertinent evidence. I think we should make some effort to obtain it and get it before our committee.

I do not know whether you missed the last part of the testimony or not, but he said he had in his files a letter from the lawyer advising that on advice of counsel they were asking the men not to take the test.

I said it would seem to me that since that letter is available in the files, we should make some effort to get it. It would seem to be very pertinent evidence and we should have it before us.

The CHAIRMAN. Do you recall who the lawyer was that wrote the letter?

Mr. WAGNER. I do not recall.

The CHAIRMAN. Where is the letter?

Mr. WAGNER. Well, it would be in the police department files in the city of Sheboygan.

The CHAIRMAN. Can you procure a copy of it and send it to the committee under oath?

Senator MUNDT. He is not with the police department.

Mr. WAGNER. I am not with the police department any more.

The CHAIRMAN. You are not with the police department any more.

Senator MUNDT. I think we should get it from whoever is the present chief.

Who is the present chief?

Mr. WAGNER. Steen Heimke, the one who testified here Friday.

Senator MUNDT. Is this the fellow you referred to earlier in your testimony as Captain Heimke?

Mr. WAGNER. He was captain at that time, when I was in command.

The CHAIRMAN. Counsel, make a note of this letter and check with them. See if they will supply it. If they will not, we will subpoena it.

What about the date of the letter, so we can have some idea. What year was it, and about what time of the year?

Senator MUNDT. It was the one dealing with the lie detector test.

The CHAIRMAN. I understand that, but about what time was it?

Mr. WAGNER. It seems to me it was in the early months of 1955.

The CHAIRMAN. In the early months of 1955. Do you remember the name of the attorney who wrote the letter?

Mr. WAGNER. Well, there were two attorneys. Mr. Rabinovitz was one, and I believe there was another one from Milwaukee. I don't recall his name.

The CHAIRMAN. One was Mr. Rabinovitz from Sheboygan?

Mr. WAGNER. That is right.

The CHAIRMAN. And another one was from Milwaukee. Was the letter from one or from both of them?

Mr. WAGNER. I don't recall that. I don't remember.

The CHAIRMAN. Counsel, make a note of that and see if you can secure a copy.

Senator MUNDT. It would probably be in April, May, or June of 1955, because that is the time that this incident took place.

Mr. WAGNER. That is right.

Senator MUNDT. Chief Wagner, do you remember the names of these four men?

Mr. WAGNER. No; I do not.

Senator MUNDT. Do you have a record of it someplace?

Mr. WAGNER. Yes; there is a record of that; they are on file up there also in the police department.

Senator MUNDT. I think, Mr. Chairman, perhaps counsel has already arranged to have these men subpoenaed, but if not it seems to me we might well subpoena them and put them under oath and pursue this a little further. This is a pretty serious act of violence or vandalism.

The CHAIRMAN. The four men?

Senator MUNDT. I do not think we should subpoena the fellow that was cleared by the lie-detector test. It can be all four as far as I am concerned, but I was thinking primarily of the three who refused to take the second test.

The CHAIRMAN. Do you have their names?

Senator MUNDT. He says they are on file in the police department.

Mr. WAGNER. They are on file.

The CHAIRMAN. All right. Get the names of the 4 men. We will see what we can ask them about it. I might call counsel's attention to this, Madson Detective Agency, apparently signed by Elmer A.

Madson. It states with reference to this the conclusion they came to. If you still want them subpoenaed, it is all right. He said,

It is the thought of Mr. Adams and Mr. Madson, and this thought has been orally relayed to Mr. Conger and Mr. Kohler, that these men were merely sent in as a trip to the plant; that they know the police officers were there, because there was no question in anyone's mind that the union and members were aware of the surveillance.

In the first place, the cache of dynamite could always be seen from strike headquarters. Secondly, other strikers had been in there and seen the police officers even though they were disguised; and, third, the strikers had surveyed the car of the deputy sheriff on duty at the plant when they left the plant. In addition to this, from the number of people who visited the plant when it was first discovered on Sunday, April 24, it is almost ridiculous to believe that they were not observed by other interested parties.

That is the report of the detectives.

If you want to spend money to get those 4 men down here, it would be all right.

Senator MUNDT. That is something, Mr. Chairman, we could take up in executive session, but to me it would be most significant to learn who sent them in to trip the trap, because someone must have been very much interested in trying to trip the trap, in trying to throw off the people who were endeavoring to discover who was using the dynamite.

I think it would be very pertinent evidence to find out who was so concerned about the fact that the police had discovered the evidence, that when they learned, if they learned, that it was under surveillance, that they sent some men into there to try to break down the surveillance and protect the identity of those actually using the dynamite.

I think that is very pertinent information. It may or may not have been that the men who were caught and apprehended were the same men who dynamited the cars. But from what the detective agency says, that they were sent in, certainly it would be good to know who sent them in and why.

(At this point, the following members were present: Senators McClellan and Mundt.)

The CHAIRMAN. All right, proceed.

Are there any further questions of the witness?

Mr. KENNEDY. I would like to ask briefly about this: There was a great deal of vandalism in the city of Sheboygan while you were chief of police?

Mr. WAGNER. That is quite true.

Mr. KENNEDY. Did you take some steps to try to curb the vandalism?

Mr. WAGNER. Yes, I did. In fact, at one time in discussion with the former mayor, I informed him we did not have enough personnel to cope with a situation of this kind because certainly conditions weren't normal. So we did then put on a double shift between the hours of 9 and 3 o'clock in the morning.

Well, vandalism then did somewhat subside, and then later on when Mayor Ploetz was elected in 1955, we did put on additional personnel of 10 more men.

Mr. KENNEDY. Did you ever find out who was responsible for the vandalism?

Mr. WAGNER. Nothing more than what the record showed here as presented to you, and I could only concur in what Chief Heimke has said.

Mr. KENNEDY. You were not able to apprehend anybody in connection with it?

Mr. WAGNER. No, excepting what the records showed. However, I might say at one time we did make an arrest of 10 men for disturbances.

Mr. KENNEDY. Was that part of the home demonstrations?

Mr. WAGNER. That is right.

Mr. KENNEDY. And you selected 10 or 11 men who were present at the home demonstrations; is that right?

Mr. WAGNER. Sergeant Zimmerman and Captain Heimke, they were in charge of that raid up there at that time.

Mr. KENNEDY. And they were tried?

Mr. WAGNER. They were tried.

Mr. KENNEDY. What was the result in their case?

Mr. WAGNER. Well, after trying to select a 6-man jury, it took over 2 days to do it, and they found them not guilty.

Mr. KENNEDY. To what do you attribute the violence that took place, the vandalism?

Mr. WAGNER. I wish I knew.

Mr. KENNEDY. But there is no question in your mind that it arose out of the strike?

Mr. WAGNER. That is quite true.

Mr. KENNEDY. And the bitter feelings, particularly on the part of the strikers against the nonstrikers?

Mr. WAGNER. That is right.

Mr. KENNEDY. Do you think it was planned, the vandalism?

Mr. WAGNER. I cannot answer that.

Mr. KENNEDY. You do not know?

Mr. WAGNER. No.

Mr. KENNEDY. And you have no idea who was responsible?

Mr. WAGNER. Well, I will say it is an outgrowth of the strike, because that is not typical of Sheboygan.

Mr. KENNEDY. But do you have any idea who was responsible for it?

Mr. WAGNER. No, I have not, not as individuals.

The CHAIRMAN. Do you have an idea of a group or an organization or something as being responsible?

Mr. WAGNER. Well, we did not have that type of order up there before the strike.

The CHAIRMAN. You attribute it to the strike?

Mr. WAGNER. That is right.

The CHAIRMAN. In other words, then are you saying whoever was responsible for the strike must also be responsible for the vandalism?

Mr. WAGNER. I would not say in that many words either.

The CHAIRMAN. All right, have you got any less words or some other way to say it in?

Mr. WAGNER. If I was definitely sure and would be in a position to put my finger on any of them, I would so state.

The CHAIRMAN. But you don't feel that sure of it.

Mr. WAGNER. Sir?

The CHAIRMAN. You don't feel that sure of it, so notwithstanding you were chief of police out there at the time, and through all of it, you just simply are not able to have any definite concrete idea of your

own that you are willing to express as to who was responsible for the vandalism.

Mr. WAGNER. That is quite true.

The CHAIRMAN. Are there any other questions?

All right, thank you very much.

Mr. KENNEDY. I have just one last question. We had Chief Heimke testify that he worked with the Madson Detective Agency who was working for the Kohler Co.

Mr. WAGNER. Well, gentlemen, in fact Mr. Lyman Conger called me one day and wanted to know of me whether I knew some agency or detective agency, and I am the one that referred the Madson Detective Agency to Mr. Conger.

Mr. KENNEDY. Did you work closely with them during this period of time, to try to solve these acts of vandalism?

Mr. WAGNER. Well, yes, and in fact they did. They practically came into the police station every day when they were in Sheboygan.

Mr. KENNEDY. Even with their assistance and their help, you were not able to solve these things?

Mr. WAGNER. That is right.

Mr. KENNEDY. Now, Chief Heimke testified as to some advice that he gave the Madison Detective Agency during this period of time, regarding the Grand Hotel. Did you ever have any discussions with the Madison Detective Agency or Adams of the Madison Detective Agency regarding the Grand Hotel where the union had some rooms?

Mr. WAGNER. Well, it is not quite clear to me any more, but I do know this: That Adams came in one day and wanted to know of me how well I knew the manager of the Grand Hotel, and whether I wouldn't introduce him, which I did.

Mr. KENNEDY. For what reason?

Mr. WAGNER. He wanted to go over and into the hotel, so he didn't want to go over there unless the facts were known to the management.

Mr. KENNEDY. He just wanted to meet the manager of the hotel?

Mr. WAGNER. That is right.

Mr. KENNEDY. Was there something he wanted to accomplish in the hotel?

Mr. WAGNER. I don't know, and I can't state that.

Mr. KENNEDY. He spoke to you about something; did he not?

Mr. WAGNER. Well, as I heard stated here.

Mr. KENNEDY. I want to know what he said to you, Chief Wagner.

Mr. WAGNER. I don't recall any more, just what that conversation was.

Mr. KENNEDY. What conversation did he have with you about meeting the manager of the hotel?

Mr. WAGNER. He wanted to see what the hotel looks like.

Mr. KENNEDY. He could go by and see what the hotel looked like without getting the manager.

Mr. WAGNER. But he didn't want to go over there unless he was properly identified to the manager.

Mr. KENNEDY. Why didn't he want to go over there?

Mr. WAGNER. I have no idea.

Mr. KENNEDY. He didn't say anything to you about it?

Mr. WAGNER. No, he in fact did say, I recall, something about putting a tap in there but I don't recall the conversation any more. However, I do know this, that nothing ever did materialize.

Mr. KENNEDY. Did you telephone the manager?

Mr. WAGNER. Yes, sir.

Mr. KENNEDY. And what did you tell the manager?

Mr. WAGNER. I don't quite recall any more. It seems to me that I just telephoned him to find out whether he was in, and I believe I went over there with Adams, and I am not too sure about that.

Mr. KENNEDY. You have had a problem, have you, in the last 5 days, Chief Wagner, about remembering things?

Mr. WAGNER. No, I haven't. I just don't recall, there was much conversation.

Mr. KENNEDY. Five days ago you told an investigator of the committee that you called the manager, and that Mr. Madson came to you, and he said he wanted to put a bug in the hotel room of the union.

Mr. WAGNER. That is quite right, I was asked about that, and I told him it wasn't clear to me then.

Mr. KENNEDY. Then you called the manager of the hotel, and you told the manager of the hotel that the Madson Detective Agency wanted to bug the hotel room of the union.

Mr. WAGNER. And I did state at that time it was Mr. Madson.

Mr. KENNEDY. That is quite different from what you are saying here, that all he wanted to do was to look at the hotel.

Mr. WAGNER. That is right, and there was some discussion, not by Madson but by Adams, and when I related that statement that you have there it wasn't clear in my mind then and it isn't quite clear in my mind now just what the facts are.

Mr. KENNEDY. I ask you to relate the conversation, Chief Wagner, and now what did he say to you? Mr. Adams said he wanted to bug the hotel room; isn't that right?

Mr. WAGNER. There was some discussion about it; yes.

Mr. KENNEDY. And that was the purpose for calling the manager of the hotel?

Mr. WAGNER. That I do not know.

Mr. KENNEDY. Now, Chief Wagner, you called the manager of the hotel, this man. Mr. Adams is over 21 and he could get a hotel room there by himself, and he could find out where the Grand Hotel was.

Mr. WAGNER. I called the manager to see whether he was in the hotel at the time, and I believe, and this is over and above what I stated, but since you have talked to me about this here my memory is a little bit more refreshed than it was today.

Mr. KENNEDY. Who refreshed it for you?

Mr. WAGNER. Myself; I did not know then, and I am not so definitely sure now.

Mr. KENNEDY. You have forgotten a lot since then, too?

Mr. WAGNER. That is quite true.

Mr. KENNEDY. Your memory has been refreshed on some things, and it has been unrefreshed on others?

Mr. WAGNER. I don't know about that, sir.

Mr. KENNEDY. What you told the investigator was that Mr. Adams came to see you and said he wanted to put a bug in the hotel, and you said, "Fine." You called and said, "I will get in touch with the manager of the hotel." You discussed it with the manager of the hotel and told him this group was friends of yours and they wanted to bug the union room.

Am I right so far, and that he should cooperate with him; isn't that what you told the investigator?

Mr. WAGNER. That is right.

Mr. KENNEDY. That the manager of the Grand Hotel should cooperate with the detective agency to bug the room of the union?

Mr. WAGNER. No; I am sure that was not my intention, nor was that any discussion or any motive on my part that the room should be bugged.

Mr. KENNEDY. Why did you call the manager?

Mr. WAGNER. To acquaint them with the agency.

Mr. KENNEDY. Prior to that the agency had told you that they wanted to bug the hotel room. That is all right, Mr. Wagner, and I am just trying to get the facts.

Mr. WAGNER. I don't recall the facts of it.

Mr. KENNEDY. Just answer this: Did Adams tell you he wanted to bug the hotel room?

Mr. WAGNER. There was some discussion about that.

Mr. KENNEDY. He told you he wanted to bug the hotel room?

Mr. WAGNER. Yes, sir.

Mr. KENNEDY. And he asked you to call the manager?

Mr. WAGNER. That is right.

Mr. KENNEDY. And you called the manager?

Mr. WAGNER. That is right.

Mr. KENNEDY. And you arranged for an introduction?

Mr. WAGNER. That is right.

Mr. KENNEDY. And for the purpose so that Adams could bug the hotel room?

Mr. WAGNER. I won't say that it was for the purpose of bugging the hotel room.

Mr. KENNEDY. At least for a discussion of bugging?

Mr. WAGNER. That is right.

Mr. KENNEDY. For a discussion of bugging the hotel room?

Mr. WAGNER. That is right.

Mr. KENNEDY. Did the manager then arrange to give them a room on the same floor?

Mr. WAGNER. I do not know that.

Mr. KENNEDY. You told them to try to arrange to have a room on the same floor?

Mr. WAGNER. There was some talk about that, that they wanted to get a room there.

Mr. KENNEDY. So that they could bug the union room?

Mr. WAGNER. I do not know that.

Mr. KENNEDY. That was a discussion?

Mr. WAGNER. That was somewhere along that line, I don't know just word for word of what was said.

Mr. KENNEDY. Thank you.

The CHAIRMAN. All right.

Senator MUNDT. Was the hotel room ever bugged? That seems to be the important point here.

Mr. WAGNER. To my estimation, as far as I know, never.

Senator MUNDT. You do not think it was bugged?

Mr. WAGNER. No, sir.

Senator MUNDT. Did you ever get any reports from Adams or Madison that they had bugged it, and that they got this information, or that information out of listening to the bug?

Mr. WAGNER. No, sir.

Senator MUNDT. It is your best information as police chief then that the hotel room never was bugged?

Mr. WAGNER. As far as I know, that is right.

Senator MUNDT. Did you go with Mr. Adams to see the manager of the hotel?

Mr. WAGNER. Yes, I believe I did.

Senator MUNDT. What transpired in that conversation?

Mr. WAGNER. Well, I just went over there, and I told him who he was, and he went back in the corridors there, and he was pointed out where the union officials had their office.

Senator MUNDT. Which union officials were they?

Mr. WAGNER. They were all over there at one time or another. They came and went.

Senator MUNDT. This was the union headquarters?

Mr. WAGNER. Yes; well, this was where they had their office. The union headquarters was within half a block of there.

Senator MUNDT. But they also had an office in the hotel?

Mr. WAGNER. That is right.

Senator MUNDT. O. K. Go ahead, was there anything else?

Mr. WAGNER. That is all.

Mr. KENNEDY. I would just like to find out where you found out that they had not put a bug in, and who refreshed your memory on that?

Mr. WAGNER. Well, since the interview that I had, I thought about that, and when I was approached about that I did not recall it. I did not remember it at all, but since I had the interview, I remembered some of it, and it is rather vague to me at the present time.

Mr. KENNEDY. You remembered, as I say, a good deal more 4 or 5 days ago. You did not know whether they had bugged the room or not, and I was just wondering who refreshed your memory that you were able to find out that they did not bug the room.

Mr. WAGNER. Well, I believe if that room would have been bugged over there, and information gotten from it, I certainly would have heard about it. But there has never been brought to my attention at no time, at any time, that there was any tap in any of those union quarters.

Mr. KENNEDY. That is the fact that reports were not made to you; is that right?

Mr. WAGNER. Well, I at least did not hear any.

The CHAIRMAN. All right.

Thank you very much.

Mr. Ploetz, Mayor Ploetz, will you come around, please?

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PLOETZ. I do.

TESTIMONY OF RUDOLPH J. PLOETZ

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. PLOETZ. My name is Rudolph J. Ploetz. I reside at 1824 Elm Avenue, Sheboygan, Wis. At the present time, I am the operator of a bar and restaurant in Sheboygan.

The CHAIRMAN. You are the operator of a bar and restaurant?

Mr. PLOETZ. Yes.

The CHAIRMAN. You were at one time mayor of Sheboygan, were you?

Mr. PLOETZ. Yes, sir.

The CHAIRMAN. Over what period?

Mr. PLOETZ. 1955, 1956, and 1957. Prior to that time, I had served as alderman for two terms in the city of Sheboygan.

The CHAIRMAN. Do you waive counsel?

Mr. PLOETZ. I do.

The CHAIRMAN. All right; Mr. Kennedy, you may proceed.

Mr. PLOETZ. Pardon me, Mr. Kennedy.

Mr. Chairman, I wondered if you would permit me to make a short statement at this time.

The CHAIRMAN. Have you a prepared statement?

Mr. PLOETZ. I have, sir.

The CHAIRMAN. Have you submitted it, under the rules?

Mr. PLOETZ. I do not know what the rules are, Mr. Chairman.

The CHAIRMAN. The rules require you to submit it 1 day in advance. Will you let me see a copy of it? If it is brief, possibly we can waive the rule.

(A document was handed to the chairman.)

(Members of the committee present at this point were Senators McClellan and Mundt.)

The CHAIRMAN. I think that you are entitled to make that statement, in view of the previous testimony. You will be subject to cross-examination on it. Just a moment while Senator Mundt looks at it.

(The document was handed to Senator Mundt.)

The CHAIRMAN. The witness has not complied with the rules of the committee by submitting his statement 24 hours in advance, but it is a brief statement, and I think, upon request, he would be entitled to make it orally; what he is saying there.

Senator MUNDT. I have no objection to his making it, but I do think that at an executive meeting one of these days we should reexamine our rule on these 24-hour statements, because, every time it is brought up, we waive it. It seems to me a rule that is waived every time it is challenged might as well be eliminated.

The CHAIRMAN. I am ready to adhere to the rule so rigorously that we will all feel it; any time the rest of you are.

Senator MUNDT. I don't object to his reading it, but I simply point out that, every time it is brought up, we have this same routine, and maybe the rule is something which is not enforceable.

The CHAIRMAN. There is objection, so you will not read your statement, and you can proceed to make a brief verbal statement.

Senator MUNDT. So the record will be clear, if there is objection it does not come from the Senator from South Dakota.

The CHAIRMAN. All right; objection to it is waived. You may read your statement. Proceed.

Mr. PLOETZ. Thank you, Mr. Chairman.

Gentlemen, I wish to emphasize that I have nothing to gain from this hearing. I am out of politics now and I have no political aspirations at this time.

I have always felt that the problems in the Kohler strike are not so insurmountable that its settlement cannot be reached.

While in office as mayor of the city of Sheboygan, I made many attempts to get both parties together. This needs no further explanation, as the record speaks for itself.

If there is anything I can do now as a private citizen to bring about a fair, equitable, and honorable conclusion to this long and bitter dispute that is satisfactory to both parties, I most certainly am willing to do so.

In any event, it is my sincere hope that all existing differences can be ironed out in the very near future, and that Sheboygan can be restored to its normal economic and social status.

At this point, Mr. Chairman, I wish to point out that in testimony given March 14, Sheboygan Police Chief Steen Heimke swore under oath he heard me, as former mayor of the city of Sheboygan, say to the former sheriff of Sheboygan County, Theodore Mosch, on July 5, 1955, "How much are you obligated to the union for?"

I charge Steen Heimke with being a perjurer. I never made such a statement that day or any other day, or anything similar to it.

In substantiation of my charge, I wish to read from an affidavit sworn to by former sheriff Theodore Mosch, which is as follows—

The CHAIRMAN. Just a moment. You can't read from the affidavit until we have seen it.

Mr. PLOETZ. Well, Mr. Chairman—

The CHAIRMAN. I haven't seen the affidavit, and I want to know what is in it before you read from it, and know it is an affidavit.

(A document was handed to the chairman.)

The CHAIRMAN. May I inquire if this affidavit has been made a part of our records up to now? It is an affidavit of Theodore J. Mosch, who, I assume, was the former sheriff. He testified here, did he not?

Mr. KENNEDY. That is right.

The CHAIRMAN. I am going to let you state anything you want to, but you keep this affidavit for the present, and it will not go in the record as of now until we have a chance to review it.

Do you want to look over it, Senator Mundt?

Proceed. You waive counsel, do you?

Mr. PLOETZ. I do.

The CHAIRMAN. You have made a pretty serious charge, and you have charged somebody with perjury, and, of course, I don't know who at this time will be telling the truth and who will not be.

The Chair will make this announcement: Whenever there is conflict between the evidence of any witness in this series of hearings, where there is definite conflict, irreconcilable conflict as between the statement of one witness and the statement of another with respect to a matter that is regarded as material to these hearings, the Chair would feel it is his duty, with the approval of the committee, to refer the transcript of such conflict to the Justice Department for appropriate action.

So I give you that notice, as we proceed now, and testimony may be developed.

Senator MUNDT. Mr. Chairman, I concur completely with the Chair, that where we have a situation of this kind, I think we should give this transcript to the Department of Justice and find out who is perjuring himself; when you have a direct challenge and conflict of sworn testimony.

I think perhaps, though, that if the Chair will read the affidavit he will find that it is not exactly the same language referred to in the affidavit as was referred to in the original charge by the policeman, and so it may not be that we have got quite the direct conflict of evidence here that would appear on the surface of the statement thus far.

The CHAIRMAN. May I make this observation: The Chair has not ruled out this affidavit as of the moment, but I didn't feel that the witness should be permitted to read from it until we had had an opportunity to examine it.

Senator MUNDT. It appears to my inexperienced eye, Mr. Chairman, to be a regular affidavit, and I have no objection to having it go in the record if the Chair also feels that it is an affidavit. It is a copy, but I think it is signed.

The CHAIRMAN. Do you know who procured this affidavit?

Mr. PLOETZ. I received that affidavit in the morning mail, special delivery, air mail, from the former sheriff, Theodore Mosch.

The CHAIRMAN. You had requested an affidavit to support your position?

Mr. PLOETZ. I called Sheriff Mosch Sunday evening.

(At this point, the following members of the committee were present: Senators McClellan and Mundt.)

The CHAIRMAN. The Chair will let you read from that portion of the affidavit which is pertinent. I do not want you to read all of it. Then the affidavit will be made, without objection, exhibit 81 for reference.

You may read what you regard as the pertinent part with respect to the conflict of what your testimony is, where you charge him with perjury, charge the chief of police, I believe it is, with perjury, and any part of that affidavit that may throw any light on it.

(The document referred to was marked "Exhibit No. 81" for reference and may be found in the files of the select committee.)

Mr. PLOETZ (reading):

At no time did Mayor Rudolph Ploetz and I discuss what——

Senator MUNDT. Mayor, you should, in reading that, read the quotation marks as well.

Mr. PLOETZ (reading):

At no time did Mayor Rudolph Ploetz and I discuss what my critics would call "political obligations." I have never felt myself obligated to either party in the dispute, either the union or the Koehler Co. My duty has always been to all of the citizens of the community regardless of who supported me in my two campaigns.

The CHAIRMAN. All right. That is an affidavit from former Sheriff Mosch. It may be filed as exhibit No. 81 for reference.

Senator MUNDT. Mr. Chairman, the reason I thought we should have the affidavit in at this point, so it can all be in the same news story, is because certainly I agree that——

The CHAIRMAN. The Chair was not particularly objecting to the affidavit, but I do think we have a right to see what a witness wants to put into the record. We have a right to examine it.

Senator MUNDT. I quite agree, and having examined it, in view of the fact that there is a charge against an incumbent chief of police of being a perjurer, it is what we might call the right of the charged. I think we should have the affidavit read to the record because the affidavit says he did not hear the phrase "political obligation," and there was nothing, I repeat, nothing, in the original charge about political obligations. The original charge was that he was overheard to say, "How much are you obligated for?", which is something entirely different. It could be finances. It could be something altogether different from political obligations. So I say we do not have quite the challenge of evidence, but it is quite the contrary, that appeared from the original statement by the mayor.

It is in the area of the type of thing which we might well turn over to the Department of Justice, however, to investigate through the FBI to find out whether, in fact, perjury has been committed before our committee by any of the witnesses on this point.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. You were mayor of Sheboygan for 2 years?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. And your term began in April of 1955?

Mr. PLOETZ. 1955, April.

Mr. KENNEDY. And extended to April 1957; is that right?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. You were mayor during this so-called clay boat incident?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. We have had testimony regarding the fact that you took over the operation of the police during the period that the people congregated on the dock area on July 5, 1955; that there was some violence; that there was some destruction of property, and this is your responsibility, because you took over the operation of the police as mayor. What time did you get down to the dock?

Mr. PLOETZ. I believe it was around about 8 o'clock in the morning, Mr. Kennedy.

Mr. KENNEDY. You had received a letter from the Kohler Co., prior to that time, saying that they anticipated some problems and difficulties?

Mr. PLOETZ. I received three letters from the Kohler Co. I have a photostatic copy here of all three letters that I received from the Kohler Co. The first was one on June 28; the second one on July 1; and the third one on July 2, and a copy of the third letter had been also sent to the then Chief of Police Walter Wagner.

The CHAIRMAN. Those letters may be made exhibit Nos. 82-A, -B, and -C.

(The documents referred to were marked as "Exhibit Nos. 82-A, -B, and -C" for reference and will be found in the appendix on pp. 9477-9479.)

The CHAIRMAN. These letters are photostatic copies, are they?

Mr. PLOETZ. That is right.

Mr. KENNEDY. In view of the fact that the Kohler Co. indicated to you that they expected some problems and difficulty, what steps did

you take to prevent any disorder at the time they expected to unload the boat?

Mr. PLOETZ. Well, Mr. Kennedy, I had several meetings with the chief of police, and in regard to not only that incident but other incidents of violence and vandalism as well.

Mr. KENNEDY. Let's stick to this one, and will you tell the committee specifically what steps you took other than just having a meeting with the chief of police? What positive steps did you take to prevent disorder at the dock after you were told by the Kohler Co. that they anticipated trouble?

Mr. PLOETZ. Well, to begin with, I had talked it over with the chief of police and other members in the office of the chief of police as to what had been done and what had transpired prior to the clay coming in, in 1955, because at least 2 boats of clay had come in in 1954. I was wondering what steps had been taken in 1954, and I was told that they had a few officers down in 1954, but that there was no disturbance at the dock at either time in 1954.

The chief was not too concerned that there would be any violence of any nature or consequence in 1955. I told them about the letter that I had received from Mr. Desmond. We referred also to the copy that he had received. So as far as being prepared is concerned, he thought that he could handle it in 1955 just as well as in 1954.

However, Mr. Kennedy, as far as help is concerned, we had also several meetings with the then sheriff of Sheboygan County, Theodore Mosch, who was then the sheriff, as early as, I think it was, just a matter of a couple of days after I took office in 1955, of April. I have here the newspaper clippings also to substantiate that.

The headline reads "Mayor invokes police powers to crack down on vandalism."

I would like to submit these also as an exhibit and part of the evidence.

Mr. KENNEDY. As I understand, as far as the incident on July 5, 1955, after conversations with the chief of police——

The CHAIRMAN. I will let you put this in a little later. We are on the clay boat now. You may put it in a little later at the proper place.

Let's finish with the clay boat if we can. I am not denying it to go into the record, but I want to get it in at its proper place. Remind me of it.

Mr. KENNEDY. As I understand your testimony, you felt that based on the previous experience, you and the chief of police felt based on previous experience with the unloading of the clay boat in 1954 that no extra precaution is needed to be taken on July 5, 1955, when the clay boat was going to be unloaded at that time?

Mr. PLOETZ. Well, I felt, Mr. Kennedy, that with the additional police power or help that had been given to the chief by adding these new recruits to the force in April, together with the help that was volunteered by the sheriff, that in the event——

Mr. KENNEDY. Of any problem——

Mr. PLOETZ. We would have the manpower there.

Mr. KENNEDY. They had the people available, or at least there were some extra police available, on the morning of July 5, 1955, on the initiative of the chief of police; is that right?

Mr. PLOETZ. That is right.

Mr. KENNEDY. The equipment was brought up by the Kohler Co. or by their agents, to try to unload the boat, and they were unable to get their equipment on to the dock; is that correct?

Mr. PLOETZ. That is right.

Mr. KENNEDY. The chief of police, according to his testimony, then came back and had a conference with you; is that right? That is, shortly afterwards?

Mr. PLOETZ. Well, I just don't know whether it was shortly after that. I had several conversations with the sheriff, or the chief.

Mr. KENNEDY. And you at that time said that the problem seems to be over, and tell all the extra people to go home; is that right?

Mr. PLOETZ. No, sir, Mr. Kennedy, I never made such a statement.

Mr. KENNEDY. Well, did you tell the chief of police to send anyone home?

Mr. PLOETZ. I never made such a statement.

Mr. KENNEDY. Did you tell the chief of police that he could relieve some of those individuals?

Mr. PLOETZ. No, Mr. Kennedy.

Mr. KENNEDY. Did you hear his testimony here?

Mr. PLOETZ. I heard that testimony.

Mr. KENNEDY. That testimony is not correct?

Mr. PLOETZ. No, sir, Mr. Kennedy, it is not.

Mr. KENNEDY. You did not tell him that?

Mr. PLOETZ. No, sir.

Mr. KENNEDY. Then either your testimony on this point or his testimony is wrong, is that right, or incorrect, anyway?

Mr. PLOETZ. I am willing to take a lie-detector test any time at all.

Mr. KENNEDY. You did not tell him anything like that?

Mr. PLOETZ. I did not tell him anything.

Mr. KENNEDY. You anticipated that these extra people would remain on duty the whole day?

Mr. PLOETZ. I anticipated that.

Mr. KENNEDY. And the testimony by the chief of police that he sent them home and that it was on your instructions is not correct; is that right?

Mr. PLOETZ. Mr. Kennedy, let me put it this way: I did not even know that he was going to keep the third shift back at all. We hadn't even discussed that at all.

Mr. KENNEDY. What does that mean, the third shift back?

Mr. PLOETZ. The shift that is on from midnight until 8 o'clock in the morning that he had referred to, that he was going to keep manpower back. I didn't even know that he wanted to or anticipated keeping that manpower back.

I just took for granted that he would provide for enough help, and with the meetings that we had, together with the meeting that we had with the sheriff of Sheboygan County, that he would avail himself of all the manpower that he needed.

Mr. KENNEDY. Let me ask you this: Did you have any discussions with him after he reported on what occurred in the morning, did you have any discussions with him as to how many people were available?

Mr. PLOETZ. No, sir.

Mr. KENNEDY. Do you mean you as the mayor of the city and the chief of police go in and discuss a problem regarding the clay boat and neither one of you discusses how many policemen you had available?

Mr. PLOETZ. Well, I discussed it at various time, Mr. Kennedy, as I stated before.

Mr. KENNEDY. I am not asking you if you discussed it at various times. Did you discuss that morning how many policemen you had available to deal with the problem?

Mr. PLOETZ. Sure. But what I had reference to before, Mr. Kennedy, was the fact that he was going to keep the third shift back.

Mr. KENNEDY. Didn't he tell you at that time something about the third shift?

Mr. PLOETZ. No, he didn't mention anything about——

Mr. KENNEDY. How many people did you understand were available for immediate duty?

Mr. PLOETZ. As far as manpower available was concerned, if it would come to the point where with the regular day shift he could not cope with the problem, he could call in the second and third shift as he found necessary.

Mr. KENNEDY. Did you find out how many people were waiting in reserve and could be called on duty immediately?

Mr. PLOETZ. As far as reserve is concerned, the entire force always stands in reserve.

Mr. KENNEDY. Yes, but how many people were in immediate reserve? I know there were a lot of policemen at home, but how many people were standing by, ready to go to work?

Mr. PLOETZ. Well, I had the regular day shift.

Mr. KENNEDY. How many people were actually available that could be sent down to the dock immediately if some problem broke out?

How many people were there?

Mr. PLOETZ. He could draw on the entire 55 men of the department.

Mr. KENNEDY. But you would have to get them from home, you would have to get them suited up, and the rest of it. How many people did he actually have that were available to go right down to the dock immediately?

Mr. PLOETZ. I don't know the exact number, but as far as his day force is concerned, I believe at that time it numbered somewhere between 15 and 20.

Mr. KENNEDY. Did you discuss that matter with him?

Mr. PLOETZ. I don't recall whether I just discussed it at that particular time or not, but as far as I felt at that time, he was the chief of police, he had thirty-some years of police experience, he experienced strikes before in Sheboygan.

Mr. KENNEDY. Let me ask you this: Did you anticipate any further trouble?

Mr. PLOETZ. No, I did not.

Mr. KENNEDY. Would that be the reason that you were not very concerned as to how many policemen there were that were available?

Mr. PLOETZ. Partially so, Mr. Kennedy.

Mr. KENNEDY. Did he tell you that the Kohler Co. expected to come in and unload the ship themselves?

Mr. PLOETZ. No, that he did not mention to me.

Mr. KENNEDY. You did not find that out at all?

Mr. PLOETZ. I didn't know about that until in the afternoon when I had the telephone conversation with Mr. Buteyn, that the Kohler Co. entered into the picture as far as the equipment was concerned.

Mr. KENNEDY. You did not know until the equipment came down on the dock that the Kohler Co. planned to unload the ship themselves?

Mr. PLOETZ. What was that question?

Mr. KENNEDY. Is it your testimony that you did not know that the Kohler Co. expected to unload the ship themselves? You did not know that until the time the equipment was actually down on the dock?

Mr. PLOETZ. That the Kohler Co. wanted to do the unloading?

Mr. KENNEDY. That the Buteyns were being withdrawn and they were going to do it themselves.

Mr. PLOETZ. That I did not know until I talked to Mr. Buteyn in the afternoon, in the telephone conversation that I had.

Mr. KENNEDY. Again, you say that the chief did not inform you that the Kohler Co. had told him that they were going to unload the ship themselves?

Mr. PLOETZ. No, sir, I had no such conversation with the chief.

Mr. KENNEDY. I would think that that is the most basic piece of information that could possibly be given to you, when you are reaching a determination as to whether the violence was over or not. Of course, the violence might be over, if there wasn't going to be anything further done on the dock, but if the company was coming down there with their equipment, and were going to try to unload the boat, naturally then there might be further problems.

From what I understand from your testimony, you never even discussed it with the chief of police.

Mr. PLOETZ. Mr. Kennedy, I was under the impression that the Buteyn brothers were going to do the unloading.

Mr. KENNEDY. Did you expect that the Buteyns' were going to unload the boat that afternoon?

Mr. PLOETZ. I was under the impression, and I thought that they would unload the boat. I didn't anticipate any of the trouble.

Mr. KENNEDY. You did anticipate that somebody was going to try to unload the boat that afternoon, and yet you felt that there was not going to be any difficulty down at the dock?

Mr. PLOETZ. That is right.

Mr. KENNEDY. How could you possibly reach that conclusion?

Mr. PLOETZ. Mr. Kennedy, when I was down there in the morning, there were not too many people down there.

I was discussing it with the chief of police, that even though there were people down there, as far as actual trouble is concerned, preventing the unloading, I didn't anticipate at that particular time until the——

Mr. KENNEDY. Didn't the union tell you then or earlier that they were not going to permit the unloading of the boat?

Mr. PLOETZ. The union?

Mr. KENNEDY. Yes.

Mr. PLOETZ. No, sir.

Mr. KENNEDY. No representative of the union told you that?

Mr. PLOETZ. No, sir.

Mr. KENNEDY. Certainly early in the morning you found out that they were not going to permit the unloading of the boat.

Mr. PLOETZ. When I got down there——

Mr. KENNEDY. Could you answer that question? Didn't you find out early in the morning that they were not going to permit the unloading of the boat?

Mr. PLOETZ. No, sir, I did not.

Mr. KENNEDY. Didn't you find that out from the chief of police?

Mr. PLOETZ. I had no such discussion with the chief that the boat was not going to be unloaded.

The CHAIRMAN. Let me ask you something. Do you mean to sit here before this group and before this whole audience and the whole American people and tell them after going down there that morning you, as mayor, didn't know what the situation was? Is that what you are swearing?

Mr. PLOETZ. Mr. Chairman, the question was asked whether or not I knew whether the boat was not going to be unloaded.

The CHAIRMAN. You knew that they didn't intend to let it be unloaded after you went down there and saw the situation, didn't you?

Mr. PLOETZ. When I went down there in the morning, the situation was not as such that it might not be unloaded.

The CHAIRMAN. Well, you knew it was the intention of the union at that time not to let that boat be unloaded, didn't you?

They had pickets out there for that purpose.

Mr. PLOETZ. No, I did not know what intent of the union was.

The CHAIRMAN. Do you mean to say you were that dumb? Are you swearing that?

Mr. PLOETZ. I did not have a conversation with the union, that they didn't have the intention of unloading.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 11:50 a. m. the hearing was recessed, to reconvene at 2 p. m. of the same day. The following members were present: Senators McClellan and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Mundt, and Curtis.)

The CHAIRMAN. Will Mayor Ploetz come around, please.

TESTIMONY OF RUDOLPH J. PLOETZ—Resumed

Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Mayor, we were talking this morning about the clay-boat incident and your arrival on the dock in the morning of July 5, 1955, and whether you know that it was the intention of the union or its representatives to prevent the unloading of the clay boat.

I think we were in the midst of discussing that when the session ended this morning, is that correct?

Mr. PLOETZ. Yes.

Mr. KENNEDY. Now, is it your testimony that you did not know that the union or its representatives were interested in preventing the clay boat from being unloaded?

Mr. PLOETZ. Well, Mr. Kennedy, this morning I was under the impression that the question was directed as far as having any official discussion with the union with regard to the unloading of the clay.

While I did not have any official discussion with them, I think it was more or less of a common knowledge that everybody down in the dock area was of the opinion that the clay should not be unloaded.

Mr. KENNEDY. So we have established that point, that you at least were aware of the fact that the union or its officials and the people down at the clay boat were interested in keeping the boat from unloading its clay for the Kohler Co., is that right?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. And you also knew that the Kohler Co. was going to attempt to unload the clay?

Mr. PLOETZ. As far as the Kohler Co. is concerned——

Mr. KENNEDY. Well, the Kohler Co. or its agents, and it is not important whether it is the Kohler Co. or somebody hired by the Kohler Co., is that right?

Mr. PLOETZ. That is right.

Mr. KENNEDY. You knew that?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. As I understand it, you still took the step, after the discussion with the chief of police, Wagner, you took steps to dismiss the police or did not make any arrangements to have more police assigned to the dock area.

Why didn't you do something about it then?

Mr. PLOETZ. Well, as far as the first part of your question goes——

Mr. KENNEDY. There is no first part. Why didn't you do something about it, No. 1, when you knew the union was interested in keeping the clay from being unloaded, and No. 2, when you knew the company was interested in getting the clay unloaded and was going to take steps to do so? And why didn't you take some steps to prevent any violence and allow the company to unload their clay?

Mr. PLOETZ. I was under the impression that, as far as the policing end of it was concerned, it was being taken care of.

At the time I was down there at the dock, I did not see any vandalism or violence at that particular time. And in my discussions with the chief during the course of the day, it was such that he had the situation well in hand.

However, as far as my prime concern in regard to the entire dock occurrence, it was that I was primarily interested not to have anybody injured down there or killed down there. And as long as the chief was of the opinion that he had the situation well in hand, as far as the policing end of it was concerned, I was satisfied.

Mr. KENNEDY. Did you take over the operation of the police?

Mr. PLOETZ. No, I did not.

Mr. KENNEDY. Chief Wagner testified that you said you were going to take personal charge.

Mr. PLOETZ. No, I did not.

Mr. KENNEDY. Chief Wagner testified that you said you were going to take personal charge.

Mr. PLOETZ. No.

Mr. KENNEDY. You did not?

Mr. PLOETZ. No.

Mr. KENNEDY. You heard the chief of police make a statement to that effect?

Mr. PLOETZ. Yes, sir.

Mr. KENNEDY. You say that is incorrect?

Mr. PLOETZ. That is right.

Mr. KENNEDY. He did not tell the truth to the committee?

Mr. PLOETZ. Mr. Kennedy, in answer to that also, which is part of the affidavit that was submitted this morning, it is that the chief of police was contacted by Sheriff Mosch as late as 6 o'clock that day, and the chief told Sheriff Mosch that he did not need any assistance.

The CHAIRMAN. Just one moment, now. This morning you opened your testimony and the Chair permitted you to read a prepared statement, charging that Chief Heimke had perjured himself.

He said no more contrary to what you are saying now, or to what you say you said at the time or didn't say. Then what you say now is contrary to what Chief Wagner said here this morning.

You come in here boldly charging someone with perjury who had testified differently from you, and Chief Wagner testified differently from you here this morning.

What do you say about it?

Mr. PLOETZ. Well, as far as the affidavit is concerned—

The CHAIRMAN. We are not talking about the affidavit, we are talking about what he swore to here this morning, that you took this operation away from him.

Mr. PLOETZ. I did not.

The CHAIRMAN. You wouldn't call that perjury, where he makes that positive statement, then, would you?

Mr. PLOETZ. As far as the statement is concerned, it is definitely incorrect. And, Mr. Chairman, to further substantiate the charge I made this morning, I had a telephone conversation with former Sheriff Mosch during the lunch time. I believe that there is a telegram now in the hands of the chairman, or should be; at least I have a copy of that telegram, that we sent to the chairman within the last 2 hours.

The CHAIRMAN. Just a moment. The Chair has received no telegram. The Chair did receive during the noon hour the original of the affidavit which I permitted you to file as an exhibit this morning. I received no telegram, and in the Chair's opinion—and I may be overruled—a telegram from him would not be admissible in evidence.

Mr. PLOETZ. Well, I have a copy of that telegram and I thought perhaps the chairman would like to see this telegram.

The CHAIRMAN. I will be glad to look at it, but unless I am overruled, I won't put it in evidence. It is not sworn testimony.

(A document was handed to the chairman.)

Mr. KENNEDY. The chief of police's testimony is that you were the one who was responsible for the fact that there was not further or more orderly conduct within the crowd on July 5 down at the dock.

You say that that was his responsibility?

Mr. PLOETZ. You mean the former chief, Wagner?

Mr. KENNEDY. Yes.

Mr. PLOETZ. Yes.

MR. KENNEDY. He said you took over the conduct of the police. You have the most confused city, I will say that, Mr. Mayor, with the chief of police saying that you are responsible, and you saying the chief of police is responsible, and the result was that there was violence down there. There is no wonder that there was.

If nobody knew, or if the testimony of both of you is believed—and both sides cannot be correct—but in view of the testimony of both you and the former chief, there had to be absolute chaos down there, because nobody, according to your testimony, was responsible. Each one was expecting the other one to be.

MR. PLOETZ. Well, Mr. Kennedy, as far as the responsibility is concerned, the responsibility as far as the police department is concerned is the same as any other department of the city.

If I wanted to take charge of every department of the city, why, 24 hours in the day wouldn't have been enough.

MR. KENNEDY. This was rather an unusual day?

MR. PLOETZ. As far as this particular incident is concerned, as I stated this morning, I had conversation with the chief and the various officers prior to the coming in of the clay boat, and we reviewed the 1954 situation, and I was under the impression that everything was going to be well taken care of.

MR. KENNEDY. Let us go beyond that, leaving unsolved the question of whether you actually did take over the police or whether it remained in his control. The fact is that you did go down to the dock later on that day, on your own personal initiative, and you did see that things were not what they should be, that there was a large crowd massed on the dock area, and that some attention should be given to it.

Did you arrange at that time to have further police assigned to the dock area?

MR. PLOETZ. I did have several meetings with the chief of police.

MR. KENNEDY. I know a lot of people can have meetings and not do anything, and set up committees and not do anything, but this is something more than that.

MR. PLOETZ. I was given the word from the chief of police that as far as the policing end of it was concerned, he had the situation well in hand.

Senator MUNDT. You were here in the committee room this morning, were you not, Mr. Ploetz?

MR. PLOETZ. Yes, sir.

Senator MUNDT. And you heard former Chief Wagner testify?

MR. PLOETZ. Yes, sir, Senator.

Senator MUNDT. And he testified this morning that he had told you that he thought more police were needed down in the dock area, and that you told him, "two are enough."

Did you say that?

MR. PLOETZ. I never made that statement, Senator.

Senator MUNDT. Did you hear Mr. Wagner make it?

MR. PLOETZ. I heard that statement made.

Senator MUNDT. You are testifying under oath, and therefore when Mr. Wagner made that statement he was perjuring himself?

MR. PLOETZ. If that is what it can be construed as, I would say "Yes."

Senator MUNDT. Well, to get away from the legal term, you are testifying under oath that when Mr. Wagner made that statement, he was not telling the truth under oath?

Mr. PLOETZ. That is right.

Senator MUNDT. Mr. Chairman, this is the most clear-cut case of perjury on the part of somebody that we have had since these hearings and this labor investigation has begun. None of us can tell whether Mr. Ploetz or whether Mr. Wagner is telling the truth, but all of us know one of them is lying under oath.

I think that we should send this as rapidly as we can to the Department of Justice, and ask them to try to unravel this enigma, and to proceed to prosecute whoever is lying to this committee under oath, because it is clear cut, and we are being imposed upon by somebody.

The CHAIRMAN. The Chair made that announcement when this witness first testified, and called somebody a perjurer.

Senator MUNDT. This is a different man, and a different case.

The CHAIRMAN. I announced at that time that all testimony where there is an irreconcilable conflict would be handled accordingly.

Senator CURTIS. Mr. Mayor, early in your testimony this afternoon you were asked about any discussions with the union in regard to whether or not they wanted the clay boat unloaded. Your reply, as I understood it, was that you did not have any official discussion with them.

Did you have any unofficial discussion with them about whether or not the clay boat should be unloaded?

Mr. PLOETZ. Well, Mr. Senator, as far as the general knowledge was concerned in the dock area, as I stated earlier, all of the people down on the dock area were interested in not seeing that clay unloaded.

Senator CURTIS. I remember you saying that, but did you have any discussion with anybody in the union about it?

You have said that you did not have any official discussion. But did you have any unofficial conversation with anybody in the union about it?

Mr. PLOETZ. I don't recall of any discussion with the union officials at all on that.

Senator CURTIS. Well now, in your opinion did the Buteyn Co. suffer by not being able to perform the work that they had contracted to do?

Mr. PLOETZ. I presume they did.

Senator CURTIS. That is a small business; isn't it?

Mr. PLOETZ. I do not know the size of the business, Senator.

Senator CURTIS. You know it is a local concern compared to our great industries, with a small number of employees?

Mr. PLOETZ. Yes, sir.

Senator CURTIS. And so far as you know they had no labor trouble of their own; did they?

Mr. PLOETZ. Not that I know of; no.

Senator CURTIS. It was testified here that the inability to perform that contract created financial hardship on Mr. Buteyn. Did you feel that the constituted authorities had any obligation to the Buteyn Co. to see to it that they could carry on their business?

Mr. PLOETZ. Well Senator, my primary concern was the safety and welfare of the people in that area. It simply was against my religion and against my principles and religion at this time to have placed

property rights above human rights, when I remembered, and I was an eye witness also, to the 1934 episode, when I saw what happened at that time.

I definitely did not want to see anyone injured, blood shed, or anybody shot, in that dock area, and I definitely would not have been a part of such an act as happened in 1934.

Senator CURTIS. Now my question is, Did you consider that the duly constituted authorities had any obligation to the Buteyn Co. to see to it that they could carry on their business?

Mr. PLOETZ. I presume, as far as the contract was concerned, there was a contract between the Kohler Co. and the Buteyn Bros., as far as the delivery of that clay was concerned. But, after such a crowd had congregated in that dock area, I made the statement at that time, and I made it over the air that I had arranged a meeting between the union officials and the Kohler Co. the following morning in my office, and I definitely would not allow the clay to be unloaded as long as the safety and welfare of the people was in jeopardy. And that as long as—or shall I put it this way, if we could have had perhaps more police power put into that area a day or 2 later, perhaps the clay would have been unloaded. But the ship left before any such steps had to be taken. And the ship was not directed to any other destination by myself. That order had been given during the course of that afternoon already.

(At this point, the following members were present: Senators McClellan, Mundt, and Curtis.)

Senator CURTIS. What is the answer to my question? Did you feel that the constituted authorities did or did not have an obligation to the Buteyn Bros. to see that they could carry on their business?

Mr. PLOETZ. I think the obligation was more to protect the human rights than the property rights at that particular time.

Senator CURTIS. Would you say you had no obligation?

Mr. PLOETZ. Yes, definitely, as I stated, as far as the protection of the people is concerned, that nobody was to be injured down there, or possibly even killed. As had been labeled at that particular time, it was always referred to as a black Tuesday. In my own mind I am satisfied that there was no bloodshed or it might have been labeled a red Tuesday.

Senator CURTIS. Did you have a telephone conversation with Sheriff Mosch that day?

Mr. PLOETZ. Yes, at approximately 8 o'clock in the evening.

Senator CURTIS. Did you call the sheriff at anytime and arrange to meet him down at 5th and Pennsylvania Avenue?

Mr. PLOETZ. Yes, Senator, I did.

Senator CURTIS. Did you meet him there?

Mr. PLOETZ. At approximately 8 o'clock in the evening.

Senator CURTIS. That is about three-quarters of a block from where the crowd began?

Mr. PLOETZ. I don't remember just where I met him or what location of the dock, but I met him down at the dock area around 5th and Pennsylvania Avenue.

Senator CURTIS. You met him there for the purpose of discussing the situation?

Mr. PLOETZ. That is right.

Senator CURTIS. Did you discuss it with him?

Mr. PLOETZ. We did.

Senator CURTIS. Did Mr. Heimke come up to you while you and the sheriff were talking?

Mr. PLOETZ. I don't recall whether Chief Heimke, who was then captain at the time, whether or not he got into that particular conversation at the time, because we didn't spend too much time in the dock area.

Senator CURTIS. I didn't ask if he got into the conversation. I said did he come up to where you and the sheriff were talking?

Mr. PLOETZ. I don't recall whether he did or not, Senator. He might have.

Senator CURTIS. He might have. Your first conversation, was that in the car or outside of the car?

Mr. PLOETZ. I believe it was outside the car. When the sheriff drove his car down there, he came out of the car and came over to where I was standing, I believe.

Senator CURTIS. So you did have a conversation outside of the car, and then later did the two of you get in the car?

Mr. PLOETZ. We both got into Sheriff Mosch's car and drove out to Sheboygan Falls to see the chairman of the county board.

Senator CURTIS. Just a minute. Did you drive away immediately when you got in the car?

Mr. PLOETZ. Yes.

Senator CURTIS. You did not remain there conversing?

Mr. PLOETZ. No; I don't believe that we spent any time on the dock at all, because we had discussed outside of the car that we should go out and see the county board chairman.

Then we continued our conversation as we drove out to Sheboygan Falls.

Senator CURTIS. You did not get into the car, roll up the windows and continue conversing?

Mr. PLOETZ. No; I don't remember that we ever did that.

Senator CURTIS. You don't remember, or you didn't? Which is your answer?

Mr. PLOETZ. I would say that we didn't.

Senator CURTIS. Were you in the car talking at any time that the captain came and rapped on the window?

Mr. PLOETZ. Not to my knowledge, Senator.

Senator CURTIS. When you were conversing outside of the car, did you say to the sheriff, "How much are you obligated to the union for?"

Mr. PLOETZ. No; I never made a statement like that.

Senator CURTIS. Did you make any statement or ask any questions similar to that?

Mr. PLOETZ. No. I never made a statement like that or similar to that at that time nor at any other time. Mr. Senator, while I cannot introduce the telegram as far as that is concerned, or become part of the evidence, I would like to state at this time, if I may, that I did have a telephone conversation with the former Sheriff Mosch during the noon hour, and I related to him the happening of this morning's meeting and told him about Senator Mundt thinking the construction did not imply that particular statement.

There is a telegram in the hands of the chairman, and I also received a copy, that the sheriff sent to me a copy of, that Chief Heimke definitely had lied in regard to making that statement, that he never made a statement at that time nor at any other time.

I wanted to have that substantiated by having that telegram sent to me, which the chairman also has the original of now.

The CHAIRMAN. I am trying to find out if I have it. I do not have it. It may have reached the office.

Mr. PLOETZ. That is what I seen, Senator.

Senator CURTIS. You have stated that you did not say this or anything like it, "How much are you obligated to the union for?"

Were you obligated to the union?

Mr. PLOETZ. Was I obligated to the union, Senator?

Senator CURTIS. Yes.

Mr. PLOETZ. No, I was not.

Senator CURTIS. Were you obligated to them for political support.

Mr. PLOETZ. Senator, I think that you have experienced it time and time again the same as I have, that you seek the support from everybody, running for any office, which I did.

I sought the support not only of labor, but I sought the support of everybody in the community. At the times when I ran either for alderman and was elected, or at the time that I ran for mayor, I received the support and was elected, not just by labor but by the rank and file of the people in the city.

Senator CURTIS. Was the Kohler strike in progress when you ran for mayor?

Mr. PLOETZ. Yes, Senator, it was.

Senator CURTIS. And it had been going on for some time?

Mr. PLOETZ. It had been in progress for 1 year.

Senator CURTIS. Had this particular union, 833 of the UAW, had they been active in your behalf, in your campaign?

Mr. PLOETZ. Mr. Senator, at the time that I ran, there was a what was called the Farm-Labor Political League, who was quite instrumental in my election. But that Farm-Labor Political League was not only made up of labor people or union people, but members from every walk of life belonged to that or were allowed to join that particular organization.

As far as 833 is concerned, I presume that 833 also lent their support to my election, the same as everybody else did.

Senator CURTIS. You don't know whether they did or not?

Mr. PLOETZ. Well, as far as some of the members are concerned, I do know that some of the members helped circulate my cards, circulated some of my literature, and gave me general support.

Senator CURTIS. Who did? Who gave you general support?

Mr. PLOETZ. 833 along with the rest of labor.

Senator CURTIS. They did distribute some of your—

Mr. PLOETZ. Or the rest of the people in the community.

Senator CURTIS. They did distribute some of your literature?

Mr. PLOETZ. Yes, Senator, they did.

Senator CURTIS. Did they provide any literature?

Mr. PLOETZ. Did they provide any literature?

Senator CURTIS. Yes.

Mr. PLOETZ. As far as providing literature is concerned, if you perhaps have reference to the support that I received either in their strike bulletins or on their—whatever else they put out as far as publicity is concerned, I presume you could call it that—support.

Senator MUNDT. Will the gentleman yield?

Senator CURTIS. Just one more question. They did give you some support through the strike bulletin?

Mr. PLOETZ. Yes. They gave me support, not only myself, Senator, as far as other candidates are concerned also, as far as supporting certain candidates are concerned.

Senator CURTIS. What other candidates?

Mr. PLOETZ. Well, as far as city officials are concerned. In fact, as far as—

Senator CURTIS. Which ones?

Mr. PLOETZ. The names of them?

Senator CURTIS. Yes.

Mr. PLOETZ. Well, Senator, I don't recall the names of any of the candidates that they might have supported at any one time.

Senator CURTIS. Specifically, who else did the UAW 833 support at the time you were running for mayor?

Mr. PLOETZ. At the time that I ran for mayor, it was just a citywide election, not a county election.

Senator CURTIS. Who else did they support in their strike bulletins and by distributing literature?

Mr. PLOETZ. Well, I believe some of the aldermen. As far as some of the other city officials are concerned, they perhaps supported, as far as city treasurer, city clerk is concerned, or the city assessor—any one of the city offices.

Senator CURTIS. But in their strike bulletins, they had information or statements beneficial to you, that you felt were beneficial to you politically?

Mr. PLOETZ. That is right.

Senator CURTIS. I yield to Senator Mundt.

Senator MUNDT. What year were you running for mayor?

Mr. PLOETZ. 1955, Senator.

Senator MUNDT. And you say this was a citywide election?

Mr. PLOETZ. That is right.

Senator MUNDT. Only the people in the city vote for mayor. It is a municipal post you were running for?

Mr. PLOETZ. That is right.

Senator MUNDT. You mentioned something to Senator Curtis about a farm-labor political league, and I was wondering what the farmers were doing in this municipal campaign.

Mr. PLOETZ. No, Senator, the Farm-Labor Political League had not only been functioning as far as city elections are concerned, but also as far as county, State, or National elections were concerned.

It was an organization made up of the rank and file of the people, as far as—

Senator MUNDT. There wouldn't be any farmers either voting for you or your opponent when you are running for mayor.

Mr. PLOETZ. No, but it was the same organization, Senator, that was also active in other elections.

Senator MUNDT. It could very well be, but I am simply pointing out that insofar as having any impact on their membership in a municipal election, only that branch comprised of the City League could vote. No farmers could vote for you or against you when you are running for mayor?

Mr. PLOETZ. No; but they didn't change their name or their constitution or anything like that.

Senator MUNDT. Who was the chairman of the Sheboygan County Farm-Labor Political League?

Mr. PLOETZ. I do not remember, Senator, who the chairman happened to have been at that particular time.

Senator MUNDT. Would it refresh your memory if I were to ask you if it was William Rawling?

Mr. PLOETZ. Yes, I believe William Rawling was the chairman at one time. Whether he was chairman at that particular time, that I don't know. But he was chairman at one time.

Senator MUNDT. He was chairman according to an article in the Kohlarian published April 7, 1955, and that is the year you told me you were running for election, and it quoted him as being chairman of the Sheboygan County Farm-Labor Political League.

Is that the same William Rawling who was also chief steward of the strike committee of local 833?

Mr. PLOETZ. I think it was, Senator.

Senator MUNDT. The same man. So that the chairman of the political committee which was supporting you and endorsing you, the Sheboygan County Farm-Labor Political League, was headed by the chief steward of the strike committee of the local which was on strike; is that right?

Mr. PLOETZ. Well, what his activities were in the strike, that I do not know, Senator.

Senator MUNDT. He is listed as chief steward of the strike committee, member of strike committee, local 833.

How much did the labor union contribute in money to your campaign?

You must have to make a report, I suppose.

Mr. PLOETZ. I have that information right here, Senator. I had the city clerk give me a duplicate of the expenses that were filed.

Senator MUNDT. Just the expense statement filed by you as a candidate or by the committee?

Mr. PLOETZ. This was an expense account that was filed by me. However, I wish I would have brought along the expense account also, if there was any, that was filed by the committee, which I presume that there was.

I have here on March 12, 1955, that I received from the Farm Labor Political League for advertising \$25 and on April 2, 1955, from the Sheboygan Farm-Labor Political League I received another \$160.

What expenses they incurred, Senator, that I do not know.

Senator MUNDT. That is the amount that you reported as the total of \$185?

Mr. PLOETZ. On my own expense account.

Senator MUNDT. Your own expense account. Is that all that they contributed to you in cash?

Mr. PLOETZ. Well, no, I don't recall whether it was in cash or whether it was in check. That I don't recall, either.

Senator MUNDT. Is that all of what they contributed to your campaign either in check or in cash?

Mr. PLOETZ. Well, except for what they may have spent as far as other advertising is concerned. I presume that there was.

Senator MUNDT. Do you have a brother in Sheboygan?

Mr. PLOETZ. I have two brothers in Sheboygan.

Senator MUNDT. What do they do?

Mr. PLOETZ. One brother is engaged in a tavern business and the other one is working for the park board for the City of Sheboygan.

Senator MUNDT. What were your two brothers doing in 1955?

Mr. PLOETZ. I believe the one was with the park board at that time already—or was he with the school board?

That I don't recall. At least he was working for the municipality, and the one that is in the tavern business was on strike.

Senator MUNDT. Do you have a brother by the name of William?

Mr. PLOETZ. That is right, Senator.

Senator MUNDT. Is William a member of Local 833?

Mr. PLOETZ. That is right.

Senator MUNDT. He was on strike, then?

Mr. PLOETZ. That's right.

Senator MUNDT. At the time you were running for mayor. And at the time the Sheboygan County Farm-Labor Political League was endorsing your candidacy. I have a copy of the Kohlarian. Are you familiar with the Kohlarian?

Mr. PLOETZ. Yes, I am, Senator.

Senator MUNDT. That is the official union paper of local 833, is it not?

Mr. PLOETZ. I believe it was.

Senator MUNDT. In its issue for Thursday, February 3, 1955, under the headline "Political Support of Ploetz by UAW-CIO Local 833," it says:

The AFL-CIO and independent unions of the Sheboygan area are backing Rudolph J. Ploetz in his bid for the mayor of Sheboygan. Rudy, as he is commonly known, received the endorsement of Sheboygan County Farm and Labor Political League, an organization made up of AFL-CIO and independent labor unions, and cooperating farm organizations. While Ploetz is not a member of any labor union, he has always been sympathetic to the cause of organized labor.

Rudolph Ploetz knows well the problems of local 833 in its historic struggle for justice at the Kohler Co. Rudy's brother Bill is a loyal 833 member, well known and on our picket lines.

What I have read you, is that a statement of fact?

Mr. PLOETZ. Well, as far as my brother being a former striker is concerned, that is true, Senator.

Senator MUNDT. And that you had received earlier, in some earlier campaign, as well as in this campaign, the support of the Sheboygan County Farm-Labor organization?

Mr. PLOETZ. Let me put it this way, Senator: As far as the endorsement of the support is concerned, I made many, many contacts and appeared before many groups, labor and other groups, as far as seeking the support of the rank and file of the people is concerned, whether it was labor or not labor, union or nonunion, and while many

other candidates sought that same support, I think that any candidate running for any office considers himself quite fortunate to get the endorsement from as many groups as he possibly can.

Senator MUNDT. Did you buy any advertising in the Kohlarian?

Mr. PLOETZ. I don't recall whether I did. I might have, Senator. I don't recall whether I did, but I might have.

Senator MUNDT. How much is their advertising rate?

Mr. PLOETZ. I don't recall what their advertising rate is, either. But as far as advertising is concerned, I tried to advertise in as many different papers and organs as I possibly could.

Senator MUNDT. Well, the Kohlarian for March 24, 1955, there was a three-quarter-page ad by the Sheboygan County Farm and Labor Political League, showing you as their endorsed candidate.

I presume you did not pay for that. That would be paid for by the league, is that right?

Mr. PLOETZ. It would state on the ad as to who the party is that paid for that particular ad.

Senator MUNDT. It stated on the ad that the Sheboygan County Farm and Labor League paid for it.

Mr. PLOETZ. They paid for it.

Senator MUNDT. So this would be a contribution over and above the \$185 you said you got yourself from the league?

Mr. PLOETZ. That is right. That was an expenditure on the part of the league.

Senator MUNDT. In the Kohlarian for July 21, 1955, which would be after your election—is that right? We find this on page 3:

The Farm-Labor League backs Ploetz. The Sheboygan County Farm-Labor Political League instrumental in electing the city of Sheboygan administration now in office.

Were you running for reelection or were you running for the position for the first time?

Mr. PLOETZ. In 1955?

Senator MUNDT. That is right.

Mr. PLOETZ. That was the first time I was elected.

Senator MUNDT. The first time you were elected. So apparently they had backed your predecessor in office whoever it was, because they said: The Sheboygan County Farm-Labor Political League, instrumental in electing the Sheboygan County administration now in office, the league announced its continued support of Mayor Rudolph J. Ploetz.

I am simply pointing out the identity of interest between the so-called Farm-Labor Political League and your campaign when you were running for mayor. It goes down in several issues of the Kohlarian, pointing out their support. So, you were known as the candidate endorsed by labor in this particular contest. None of your opponents, I take it, had that endorsement. Is that right?

Mr. PLOETZ. So far as my opponents are concerned?

Senator MUNDT. Did you have more than one opponent for mayor?

Mr. PLOETZ. I had two opponents, and, while the one especially sought the endorsement of labor and did not receive it, I did receive it.

Senator MUNDT. So, you were the labor-endorsed candidate?

Mr. PLOETZ. I was the labor-endorsed candidate.

Senator MUNDT. The other fellow tried to get it, and did not get it.

Mr. PLOETZ. I merely wanted to point out, Senator, that I was not the only one that sought the support or endorsement of labor, but I was the one that did receive the support and the endorsement.

Senator MUNDT. Did you make a statement on the occasion of the clay-boat incident to the effect that the crane would not be taken into the dock area, but if you were permitted to move it you would take it back to Kohler, where it belonged?

Mr. PLOETZ. I made the statement, Senator, as I stated before, that, as far as the unloading was concerned, it would not take place unless I was sure that the safety of the people and welfare was not in jeopardy, and, as far as the removal of the crane is concerned, it was known to me by that time that the crane belonged to the Kohler Co., and that statement was made by me, that the crane should go back to the Kohler Co., because, after all, it was Kohler property.

Senator MUNDT. You made the statement, I think, to Mr. Buteyn, 1 of the 2 Buteyn brothers, is his presence, anyhow, to the crowd, so he quoted you as saying over the microphone that, if they would permit the crane to be taken out from the premises, it would never again be used in unloading the clay boat. Is that a correct statement? Did you make that?

Mr. PLOETZ. It would never be used again?

Senator MUNDT. Yes.

Mr. PLOETZ. No. As far as the statement is concerned, it is like I stated before, Senator, that if I could have been assured that the safety and the welfare of the people was not in jeopardy, perhaps the boat would have been unloaded the next day or the following day. But as long as the safety and the welfare of the people is in jeopardy, it definitely was against my principles to allow the unloading to take place for fear that there might be some injured—

Senator MUNDT. Who was threatening the safety and welfare of the people?

Mr. PLOETZ. Well, as far as the number of people are concerned that had assembled on the dock, I was afraid that somebody might be injured, because, after all, there just was not enough police power there.

Senator MUNDT. You were responsible for that. You didn't send them down. You said there was nothing to worry about. You didn't send them down.

Mr. PLOETZ. While the crowd, Senator, was not of any violent type, as far as the people are concerned, they were all milling around; there were people down there from every walk of life; it was vacation week; there was a lot of women down there, a lot of children down there.

Senator MUNDT. Did you think the women and children were going to create a riot, have violence, and threaten people's welfare and security?

Mr. PLOETZ. As far as the riot is concerned, I don't even like to see the word "riot" used, because, as far as any violence is concerned, there was no violence while I was down at the dock. The people were all, comparatively, in a peaceful, jovial mood. They were milling around; they were talking; they were laughing; they were joking.

Senator MUNDT. Do you know about the case of Mr. Grunewald?

Mr. PLOETZ. Merely what I heard.

Senator MUNDT. Here is a picture of it. This is what happened to him down there in what you don't like to call a riot.

Mr. PLOETZ. As far as that incident is concerned, Senator, I didn't know at that particular time what actually had happened. When I got back to the police department, I inquired whether or not any arrest had been made, or what information they had, and there is no record of it even to this day, to my knowledge, any record of that particular incident. The only thing is what I read in the paper and what I heard the people talking about.

Senator MUNDT. Here is a picture taken in the clinic, supplied by the clinic, on Wednesday, July 6.

Mr. PLOETZ. Who caused it or anything, or who did it, I don't know.

Senator MUNDT. We had testimony from one of your police officers that Mr. Grunewald refused to name his accuser. He didn't want to get any more trouble, so he refused to serve out a warrant. I am quite sure you are right when you say it never was brought into court circles.

Mr. PLOETZ. That is right. I don't know.

Senator MUNDT. But it would indicate that you would not have to be quite so cautious about using the word "riot," because there certainly was some riotous activity down there, so far as what happened to Mr. Grunewald is concerned.

Mr. PLOETZ. Like I say, Senator, if that ever would have been brought to a head as far as that was concerned, as to who actually was the cause of it—

Senator MUNDT. It was brought to his head; he is all bandaged up, and smashed up. It is true, if when you went to him and said, "Who hit you?" he said, "I don't want to get into any more trouble, I don't want to swear out a warrant against anybody." As far as the police were concerned, they couldn't proceed beyond that, because there, apparently, was not a policeman at the spot to see what was happening.

Did you ever propose to the Federal Conciliation Service, the Federal Conciliation Service, that an embargo be made against clay shipments to Kohler?

Mr. PLOETZ. I just about contacted every group or individual organization, Senator, on a local, State, or national level. I wrote letters to the clergy in Sheboygan. I wrote letters on a State level, and I wrote letters as far as the national level is concerned. I believe I even wrote a letter to President Eisenhower at that time.

Senator MUNDT. In all that correspondence, did you propose to the Federal Conciliation Service that they have an embargo on clay shipments as far as the Kohler Co. was concerned?

Mr. PLOETZ. I may have, Senator, if I would look, perhaps, through my files I maybe would have found something to that effect.

Senator MUNDT. This is a press statement on July 27, 1955. Let me read this and see if it refreshes your memory. You were then mayor, were you not?

Mr. PLOETZ. 1955, yes, sir.

Senator MUNDT. This is in the Sheboygan Press of that date.

A proposal by Mayor Rudolph Ploetz for an embargo on clay shipments to the strike-involved Kohler Co. pending the outcome of renewed negotiations was rejected flatly and quickly Tuesday night by the Chief of the Federal Conciliation Service, Mr. Finnegan. Ploetz said he requested the Federal Mediation and Conciliation Service to obtain a voluntary, temporary halting of clay movements, whereby all shipments of clay to the Kohler Co. would be held in abeyance until negotiations opening today reached a successful conclusion or are terminated.

That is the quotation attributed to you in the Sheboygan Press. Does that refresh your memory?

Mr. PLOETZ. It does, sir.

Senator MUNDT. Did you make such a statement?

Mr. PLOETZ. I did.

Senator MUNDT. You did. What was the response you got from Mr. Finnegan and the Federal Conciliation Service?

Mr. PLOETZ. Well, as you stated there, it was a flat "no." It became rather frustrating, Senator, to seek every avenue and contact as many people as I possibly could think of, hoping and praying that the settlement of the strike could be brought about. As I stated before, I contacted the clergy, I met with the——

Senator MUNDT. The question, Mr. Ploetz, was, What response did you get from the Federal Conciliation Service to that suggestion?

Mr. PLOETZ. Well, I don't recall what the exact answer was, Senator.

Senator MUNDT. Let me read you what was in this same article in your hometown paper and see if that refreshes your memory:

Joseph Finnegan, head of the Service, said in a telephone interview from his Washington, D. C., home, the request represented an irresponsible, self-serving politically expedient statement, calculated to serve no useful purpose, except to impede mediation efforts.

Did you get any other response than that, or was that the final response that you received?

Mr. PLOETZ. I think that was the final response that I received, Senator.

Senator MUNDT. I couldn't hear you, Mr. Ploetz?

Mr. PLOETZ. I believe that was the final response.

Senator MUNDT. That was the final response.

Mr. PLOETZ. I was just looking in my brief case. I thought perhaps I had the letter from Mr. Finnegan right in here.

I don't believe I have it.

Senator MUNDT. You don't have it.

Mr. PLOETZ. I don't believe I got it in here.

Senator MUNDT. I don't believe you need it, the letter. You have verified the accuracy of the news story and the approach that you made and the answer that you got. It seems to me that unless you have something else you want to contribute in that connection, you wouldn't need to find the letter. That speaks for itself. Mayor Ploetz, hindsight is always better than foresight. If you were going to start in today, with the experiences as you had them in connection with this clay boat incident, what would you do differently now from what you did then?

Mr. PLOETZ. Senator, if there would be a recurrence, or, I should say, if I were to do the same thing over again, my prime concern——

Senator MUNDT. Do you mean now that you are telling the committee that if this were all to happen again, knowing everything that you know now you still wouldn't have sent any more policemen down there to keep order?

Mr. PLOETZ. Well, you didn't let me finish, Senator.

Senator MUNDT. Well, that is what you said that far. That startled me so that I wanted to see if I heard you correctly.

Mr. PLOETZ. Let me set the record straight on that, as far as the police powers are concerned.

No doubt I would try to get as many policemen down there, or law enforcement people down there, as I possibly could.

Senator MUXDR. All right. The first difference that you would do now, with the background of experience that you have had, would be that you would have put more policemen on the job, on the spot, right?

Mr. PLOETZ. That is right.

Senator MUXDR. What else would you do differently?

Mr. PLOETZ. But as far as the actual unloading is concerned of that clay, regardless of how many men I would have down there, if I thought that there might be any people injured, or might be any bloodshed, or anything of that nature, I still would not allow any loading to go on until I know that the safety and welfare of the people was not in jeopardy.

Senator MUXDR. Let's stop at that point a minute. You mentioned that a great many times, that you were against bloodshed and against killing, and that certainly is a commendable position.

But just who did you think was going to create the bloodshed down there?

Who did you think might be killing somebody? It wasn't going to be the spectators. We can start out by eliminating them. It wouldn't be the women and children who were going to attack anybody; would it?

Mr. PLOETZ. Well, with a milling crowd like that, one never knows what may happen, because as far as the people are concerned that were milling around in that area, many things might have happened.

Senator MUXDR. All right. But to have a riot, to have killing and to have bloodshed, it takes somebody going in there deliberately trying to engage in some kind of personal attack. Who did you think was going to make that attack?

Mr. PLOETZ. Let me put it this way, Senator, that after all it takes two to have, shall we say, a fight, and if the attempt would have been made to unload the clay, it would have excited the people that were in sympathy not to have the clay unloaded, and one thing perhaps would have led to another.

Senator MUXDR. So that you think that determination on the part of the union not to have the boat unloaded was sufficiently strong, sufficiently great, sufficiently deep seated, so that if necessary they would have tried to stop it by force; the people trying to bring it in might have resorted to force, and then you would have had violence; is that what you are trying to tell me?

Mr. PLOETZ. The determination on the part of the union, Senator?

Senator MUXDR. Yes.

Mr. PLOETZ. It wasn't only the determination on the part of the union. As far as some of the people were concerned who were down there, I am sure they felt that the clay should not be delivered. But as far as the makeup of the crowd was concerned, it was made up not only of union people, and I am not just referring to 833, but union members from other locals. And as far as nonunion people are concerned—

Senator MUXDR. Do you mean there were other locals down there?

Mr. PLOETZ. It was vacation week and people from all walks of life were down there, people from other shops. Practically every shop

in the city had vacation that week. There were women down there, children down there.

Senator MUNDT. Did you hear anything about the telephone campaign that the former police chief mentioned this morning to encourage people to go down there?

Did you know about that?

Mr. PLOETZ. The first time that I heard about that was in this morning's testimony.

Senator MUNDT. You had never heard about that before?

Mr. PLOETZ. I have never heard about that before.

Senator MUNDT. I think that is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Did you have a meeting the Saturday preceding the clay boat incident with Louis Raml, the business agent for the union?

Mr. PLOETZ. Raml?

Senator CURTIS. Raml?

Mr. PLOETZ. Is that the spelling you have there?

Senator CURTIS. I thought it was R-e-m-l, Louis.

Mr. PLOETZ. Well, there is a Louis Raml, who I understand is a business agent for the builder trades council.

Senator CURTIS. I am talking about the business agent. Did you have a meeting with him the Saturday before the clay boat incident?

Mr. PLOETZ. I don't remember. I might have, Senator.

Senator CURTIS. Did you have one with Ed Ehlert, an assistant business agent of the truck drivers local?

Mr. PLOETZ. I might also have, Senator. I don't recall. It has been quite some time ago now.

Senator CURTIS. Well, did you have a conference with these two men or either of them during which you urged them to withdraw Buteyn's truckdrivers and laborers on the day the clay was to be unloaded?

Mr. PLOETZ. That I urged them to withdraw the truckdrivers?

Senator CURTIS. Yes.

Mr. PLOETZ. I don't recall, Senator. I might have had a meeting with them. I don't remember what the nature of the discussion was, if I did have a meeting with them. But I don't recall off-hand. Like I say, it is quite some time ago.

Senator CURTIS. That is all.

Senator MUNDT. Mr. Chairman, I did have one other question. We got diverted, Mr. Ploetz. We were talking about your campaign for mayor, and the statement that you filed. I meant to ask you how much did you spend altogether in your campaign for mayor. Does your statement show that?

Mr. PLOETZ. On March 5, 1955, display advertising—

Senator MUNDT. You don't have to break it down. I am interested in the total. How much did you spend altogether?

Mr. PLOETZ. Well, that was \$115, Senator.

March 12, 1955, in addition to this \$115, now, \$142; April, \$47, and a few cents in on that; and April 9, \$203 and some cents, 84 cents.

Senator MUNDT. Well, now, I don't quite understand those papers you are reading from there.

You do not file a separate statement for every expenditure you make, do you?

Mr. PLOETZ. No. The figures that I gave you, Senator, is that there is a financial statement filed right before the primary, and then after the primary, and before the general, and after the general, and that is why I had these four figures in there.

The first figure I gave you was \$115.

Senator MUNDT. That was before the primary?

Mr. PLOETZ. Yes, sir.

Senator MUNDT. \$115?

Mr. PLOETZ. Yes, sir.

Senator MUNDT. And you spent \$142.47 and \$203?

Mr. PLOETZ. That is right.

Senator MUNDT. Are you testifying then under oath, Mr. Ploetz, that all you spent in your mayoralty campaign was \$392.

Mr. PLOETZ. What I personally spent?

Senator MUNDT. What you spent.

Mr. PLOETZ. That is right.

Senator MUNDT. Did you have any other committees working for you besides the farm-labor political committee?

Mr. PLOETZ. Not that I can think of, Senator.

Senator MUNDT. You must know that. This was only 2 years ago.

Mr. PLOETZ. I had people working in my behalf as far as that is concerned, but as far as the actual expenditures that were incurred at that time—

Senator MUNDT. Was anybody else spending money in your behalf besides you; your \$392, and the farm-labor group, \$185, and did anybody else spend any money in your behalf?

Mr. PLOETZ. Not to my knowledge, Senator. That is why I say. I wish that I would have thought of this at that time, but instead of just bringing my own expense sheets along, I would have brought the other expense sheets along also, whoever was spending any.

Senator MUNDT. Did local 833 contribute anything to your campaign?

Mr. PLOETZ. Not to my knowledge, no.

Again, Senator, I have the reports here as to who made those contributions, and the Farm-Labor Political League, there is nothing in there as far as 833 is concerned on my report here.

Those reports were taken from the city clerk's office before I came to Washington.

Senator MUNDT. Did they contribute the money which was spent by the Farm-Labor Political League?

Mr. PLOETZ. Did 833 take some of that money?

Senator MUNDT. Not "Did they take it."

Mr. PLOETZ. To use it for campaign purposes, you mean?

Senator MUNDT. That is correct.

Mr. PLOETZ. Not to my knowledge; no. If there was anything, it was between the Farm-Labor Political League. If they did spend any money, they filed their expense account with the city clerk the same as I did, showing exactly where those expenditures were made, and what purpose it was for. That is a matter of record.

Senator MUNDT. And where they got the money, do they file that?

Mr. PLOETZ. That is right.

Senator MUNDT. That is a matter of record?

Mr. PLOETZ. That is a matter of record with the city clerk in Sheboygan.

Mr. KENNEDY. I have just a couple of questions.

Did you or the law-enforcement officials in this county and this area, work closely together to try to solve this vandalism that was going on?

Mr. PLOETZ. Yes, Mr. Kennedy, I believe that I couldn't have done any more than I did do.

Mr. KENNEDY. You were working with the other law-enforcement officials in the area?

Mr. PLOETZ. Yes, Mr. Kennedy, I did.

Mr. KENNEDY. It seems to me that it is a most unusual law-enforcement program that you have out there.

For instance, in the middle of the strike while these acts of vandalism were going on, and there was this bitter feeling between the strikers and nonstrikers, the sheriff, who is in charge of the whole area, receives a major financial contribution from the union. In the meantime the chief of police in charge of Kohler Village is working for the village in which Kohler Co. pays 80 percent of the taxes, and 2 out of 3 work for the Kohler Co., and therefore his salary is being paid by the company.

During this same period of time, you are receiving support from the union, and receiving financial support from an organization that is closely associated with the union.

The deputy chief of police in the city of Sheboygan is having conferences with the representatives of the Kohler Co. about putting a tap on the union telephones, and the chief of police is having another conversation about putting a bug in the room of the union headquarters.

It seems to me that you have five people working out there, and it is not the closest and most amicable relationship that I ever head of.

Mr. PLOETZ. Well, Mr. Kennedy, if you could have lived up in Sheboygan during this time, perhaps you could have a better insight of the story.

Mr. KENNEDY. We had quite an insight just from those facts about the five law-enforcement agencies. Then on top of that, as I understand from Chief Heimke, the district attorney never called a grand jury, nor did the judge, and 2 or 3 requests were made to the Governor, and he never intervened.

I don't wonder that this thing has deteriorated as it has, in view of the facts that have been developed here.

Mr. PLOETZ. Well, as far as the law enforcement of it is concerned, and to try and curb the vandalism and the violence and everything else, as I exhibited this morning, and I would like to submit this as an exhibit here.

It is on April 22 and 23, 1955, from the Sheboygan Press clippings here, the headline reads: "Mayor Invokes Police Power To Crack Down on Vandalism," and "The Mayor Invokes His Executive Police Power To Crack Down on the Recent Wave of Vandalism Sweeping Sheboygan."

The CHAIRMAN. Is that a newspaper article?

Mr. PLOETZ. It is a newspaper article, and a photostatic copy of it.

The CHAIRMAN. It may be made exhibit No. 83.

(Document referred to was marked "Exhibit No. 83," for reference and may be found in the files of the select committee.)

The CHAIRMAN. That is for reference only, and you may quote from it.

Mr. PLOETZ. Now, it was only, I believe 2 nights after I took office that we had another dynamiting take place of an automobile. It was about 10:30 in the evening.

I immediately, the following day, got together with Chief Wagner and we put on the additional men that were on the eligibility list that had been created by the fire and police commission.

Mr. KENNEDY. I am not questioning your sincerity. All I say is that the facts regarding you and these other gentlemen are rather unusual, and I think that you have made your point and the record is complete on it.

Mr. PLOETZ. The thing is, Mr. Kennedy, that I was bringing this out.

Mr. KENNEDY. How many of these acts of vandalism did you solve while you were mayor?

Mr. PLOETZ. To my knowledge, as far as the arrests that were made and the one that was found guilty, I believe is this Bonanse.

Mr. KENNEDY. Just one person found guilty in all of the acts of vandalism that occurred during your tenure of office?

Mr. PLOETZ. I think there might be another one, but that isn't what I recall. Here is another one, Mr. Kennedy, "200 Volunteers To Fight Vandalism," and this is a date of April 1955, that I had a meeting with the chief of police, Wagner and the sheriff.

Mr. KENNEDY. Why don't you just get them all together, and just present them to the chairman, and he can look them over.

Mr. PLOETZ. Then I would also like to point out, if I may, Mr. Kennedy, that this morning the dynamite cache was brought out. Now, I have photostatic copies also of that entire happening.

In fact, to set the record straight on that, it was on a Sunday afternoon at approximately 2:30.

Mr. KENNEDY. I don't think we have to go really all through it again, and I think the facts are in, unless you think there was some reflection on you.

Mr. PLOETZ. The part that I played in it is that Sheriff Mosch came over to my home at about 2:30 in the afternoon, and it was Sheriff Mosch, 1 of his deputies, and myself together with Mr. Zimmerman who testified here the other day, the 4 of us went out there.

Chief Wagner hadn't even been along out there on that first occasion. Then the headlines came out: "Arrest 4 Strikers at Cache of Dynamite."

The following night, the Milwaukee Sentinel said, "Free 4 Kohler Strikers Seized Near Dynamite."

That morning when I received the call from the police department, I believe it was Chief Wagner, that the dynamite had been located and they had an ironclad case against these four fellows.

Had this dynamite been left in that particular place instead of jumping right out there and getting these four men, perhaps we might have been able to actually apprehend the guilty parties, and instead the decoy was taken away, and there was no more case.

Mr. KENNEDY. Why don't you just present those?

The CHAIRMAN. They may be made exhibit 83, A and B, and any further letters required.

(Documents referred to were marked "exhibits No. 83, A and B", for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. I think that that is all, unless there is something else that you have to say, particularly.

Mr. PLOETZ. As far as the violence and vandalism was concerned, I would like to point out that I myself had my home stoned, and I received letters threatening, and I also have a photostatic copy here which is in the hands of the Federal Bureau of Investigation now, where I received a threatening letter and I turned it over. It is dated February 1956, which in turn was handed over to the FBI through the postal department in Sheboygan.

I would like to give that to you.

The CHAIRMAN. It may be made exhibit 84 for reference.

(Document referred to was marked "Exhibit No. 84," for reference and may be found in the files of the select committee.)

Mr. PLOETZ. I have letters here that I can't even read here in the hearing room but if you would like to have copies of those letters, there are the most foul things there that I received.

The CHAIRMAN. They can be filed for the trash can. We don't need them.

Mr. PLOETZ. Mr. Kennedy and Mr. Chairman, I also have here, if you would like to have that as an exhibit, a letter that I wrote to both Mr. Kohler, and to S33 president, Mr. Grasskamp, and I have both of their answers as to what their position was.

The CHAIRMAN. Your letter may be made exhibit 85, and the other letters 85-A and B.

(Letters referred to were marked "Exhibits 85, 85-A and B," for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Thank you very much.

Senator CURTIS. I have just one question. At the time that you ran for mayor, was it a violation of the law of Wisconsin to make or receive political contribution from a labor union?

Mr. PLOETZ. Was it a violation to receive a contribution from a local?

Senator CURTIS. Yes, either to make it or receive it?

Mr. PLOETZ. Well, I am not too familiar with all of the laws, as far as the contributions or disbursements are concerned for political reasons, but as far as my own case was concerned, I haven't any question in my mind as to where I received this or how it was spent, because it never was contributed to me by any specific local, and neither was it disbursed by any particular local. So I never gave it any further thought.

As far as my contributions are concerned, they came from the Farm-Labor Political League, or from some political faction perhaps contributed to these.

Senator CURTIS. I wasn't asking you to redescribe how it was done, and my question is this:

Do you know whether there was a State law that prohibited unions from contributing to political campaigns?

Mr. PLOETZ. Yes, I believe it is called the Catlin bill. I believe that it is the one that covers that.

Senator CURTIS. I have before me what purports to be section 346.12 (1) :

No foreign or domestic corporation, no association organized under chapter 185 doing business in this State, and no labor union or labor organization shall contribute money or thing of value directly or indirectly to any political party, political organization, political committee, or individual candidate for any political purpose whatsoever or to promote or defeat the candidacy of any person for nomination or election to any political office.

No political party, political organization, political committee, or individual candidate shall accept or receive any contribution prohibited by this section.

That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Edward J. Biever, will you come around, please?

Will you be sworn?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BIEVER. I do.

TESTIMONY OF EDMUND J. BIEVER, ACCOMPANIED BY HIS COUNSEL, LYMAN C. CONGER

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. BIEVER. My name is Edmund J. Biever, and my residence is 407 Ridge Court, Kohler, Wis.

Mr. CONGER. Mr. Chairman, may I make a statement? Mr. Biever has a prepared statement.

The CHAIRMAN. We know it, and let me get him identified for the record, please.

Have you stated your business or occupation?

Mr. BIEVER. I am plant manager of the Kohler Co., Kohler, Wis.

The CHAIRMAN. Thank you, sir.

Do you have counsel present to represent you?

Mr. BIEVER. Yes, sir; I have Mr. Conger.

The CHAIRMAN. All right, that may be noted for the record. You have a prepared statement that you have requested the privilege of reading before being interrogated?

Mr. BIEVER. Yes, sir.

The CHAIRMAN. You have, have you?

Mr. CONGER. Might I make one comment on the statement, if I may? The statement was prepared some days ago, and submitted to the committee, and several of the exhibits mentioned in the statement have been submitted with my previous testimony, so that Mr. Biever has one exhibit to present with the statement, although more than that are referred to in it.

The CHAIRMAN. All right. As you read your statement and come to an exhibit that has already been accepted by the committee, you may so state. When you come to one that is noted, so advise the Chair, and he will make it an exhibit.

The statement was filed under the rule, within due time, and you have a copy, I assume.

Senator CURTIS. I was going to ask for one. I did not get a copy.

Mr. KENNEDY. They said they had no more copies.

Senator CURTIS. If they have one, I will give it back to them. I would like to follow it.

The CHAIRMAN. All right, Mr. Biever, you may proceed and read your statement.

Mr. BIEVER. My name is Edmund J. Biever, and I am a resident of the village of Kohler, Wis.

I am plant manager of Kohler Co. and have held that position since 1949. Plant protection has been my direct responsibility since that time.

We made some strike preparations when we were openly threatened with a strike—when——

The CHAIRMAN. We are not hearing you very well, if you could get the microphone adjusted there.

Mr. BIEVER. The union had taken a strike vote and was making open preparations for the conduct of a strike.

It was my responsibility to see that in the event of a strike there would be the necessary supervisory personnel within the plant to provide for the necessary functions such as operation of the powerhouse and pottery kilns and for protection against fire, sabotage, or vandalism.

I knew of the record of the UAW-CIO for violence in strikes. They openly boasted that their rise to power came as the result of the illegal seizures of property in the sitdown strikes at the automobile companies.

I was in the bargaining session when Emil Mazey boasted that he was the "Patton of the picket line."

The CHAIRMAN. What bargaining session was that, in this particular strike?

Mr. BIEVER. Prior to the strike?

The CHAIRMAN. In the bargaining session, you mean, immediately preceding the strike?

Mr. BIEVER. No; it was in the original bargaining meeting.

The CHAIRMAN. That does not tell me anything. When was the original bargaining session?

Mr. BIEVER. In 1952.

The CHAIRMAN. Back in 1952?

Mr. BIEVER. Yes, sir.

The CHAIRMAN. Go ahead.

Mr. BIEVER. I heard Jess Ferrazza's threats as to violence in case there was a strike, and Mr. Conger had advised me of Jess Ferrazza's background as a participant in the violence in the automobile strikes.

I heard Robert Burkhart, international representative in charge of the local union, announce on the union's radio program—

If the Kohler Co. attempts to operate the plant during the strike, it will only be provoking trouble. As the company said in its latest publication, it is perfectly legal for a man to become a strikebreaker but no decent man wants to be one. It is also perfectly legal for a person to step off a curbstone into speeding traffic, but no sensible person would do that.

The CHAIRMAN. Was that statement made in connection with this strike?

Mr. BIEVER. Yes, sir.

The CHAIRMAN. Just preceding it?

Mr. BIEVER. It was just preceding the strike; yes, sir.

The CHAIRMAN. That was relating to this particular strike?

Mr. BIEVER. Yes, sir; and we can give you the reference to that.

The CHAIRMAN. You may be asked to do that later but I wanted to identify these things as we go along with it.

Mr. BIEVER. We arranged for food and sleeping accommodations for persons who might be compelled to remain within the plant, even converting one of our enameling furnaces into an oven to bake bread, because we anticipated that there would be difficulty in passing through the picket line in the event of a strike.

And, in view of what actually happened as this committee has seen by the pictures shown here, I do not believe that anyone can say that we were unduly apprehensive.

The union was advertising its strike preparations, leasing a tavern to be used as a soup kitchen, and equipping it with stoves, refrigerators, hotplates, and similar equipment.

The CHAIRMAN. When did that occur? Was that before the strike started?

Mr. BIEVER. It was before the strike started; yes, sir.

The CHAIRMAN. Was that during the 30 days of grace, after the contract had expired and you were still carrying on negotiations?

Mr. BIEVER. I think it was during that period.

The CHAIRMAN. All right.

Mr. BIEVER. Mr. Kitzman in his testimony made reference to an offer by the union to supply maintenance men during the strike.

But he neglected to tell this committee that the union's offer was on condition that the company close the plant and make no attempt to operate it.

Employees who want to work have a right to do so and we have a right to operate our plant if we can whether the union calls a strike or not.

Our belief that a majority of our employees did not desire to strike, that there were substantial numbers of them that wanted to continue working has been confirmed by evidence before this committee that only about a third voted in favor of this strike.

To have closed our plant because the union had called a strike would have been equivalent to locking out those employees who did not want to strike, and had a right as American citizens to earn a lawful living.

On January 23, 1953, Mr. Emil Mazey, secretary-treasurer of the UAW-CIO, presented us with an ultimatum that we must meet the union's demands by February 7 or face a strike vote on February 14.

I discussed the matter of plant protection with Mr. Conger and asked him if it would be legal to purchase some tear gas. He advised me that as long as I was a deputy sheriff there was nothing illegal about possessing tear gas.

Senator CURTIS. Can the witness speak a little louder?

Mr. BIEVER. Yes, sir.

On April 8, 1954, 3 days after the strike started and after I had seen the violent and lawless manner in which the union was conducting its strike and that we could expect no protection from the sheriff, I ordered 300 more rounds of tear gas.

In June of 1955 the union started an extensive publicity campaign alleging that possession of tear gas by the village police was illegal and demanding that the sheriff, the district attorney, and the attorney general take action to disarm the village police.

Mr. Conger told me that the only purpose of such a campaign that he could see was to disarm the village police so that an attack on the plant could be conducted without interference, and inquired if I was ready to meet such an emergency.

I told him that I was not and, on June 7, 1955, I ordered 12 more shotguns and a case of buckshot.

When the sheriff revoked my appointment as deputy sheriff on May 21, 1954, I consulted with Mr. Conger. He advised me to turn the tear gas over to the chief of police of the village of Kohler, which I did immediately.

I call the attention of the committee to the following salient facts:

1. The company made no strike preparations except when it was faced with an open threat of a strike.

2. The company violated no law in any of its strike preparations. The tear gas was at all times under my personal control.

3. The company had every reason to fear that the UAW would conduct its strike violently and with complete contempt for law and order, and that is exactly what happened.

4. The tear gas and guns were obtained for one purpose only, to defend employees in the plant, the plant itself, and the Government property within it in the event of an attack upon it.

Anyone who knows the record of the UAW for violence and illegal seizures of plants in the sit-down strikes, or its general pattern of illegal conduct will know that we had reasons for such apprehension.

5. None of the gas or guns were ever used.

Although our plant was besieged for nearly 2 months by a violent and lawless picket line, none of this material was ever used nor was anyone ever threatened with its use.

None of it was ever exhibited to the pickets and their first knowledge that we had it came when the union attorney at the WERB hearing—desperately seeking for some smokescreen to distract attention for the union's illegal conduct—asked Mr. H. V. Kohler about it.

I want to clear up some of the confusion which has been caused by the introduction of evidence as to purchases for normal plant protection and for normal recreational activities.

In June of 1952 we obtained a contract for the manufacture of 105-millimeter artillery shells for the War Department.

I submit as an exhibit a copy of the Standards for Plant Protection issued by the Department of Defense.

The CHAIRMAN. Has that been previously made an exhibit?

Mr. BIEVER. No, sir; this is the copy.

The CHAIRMAN. That may be made exhibit No. 86.

(Document referred to was marked "Exhibit No. 86" for reference and may be found in the files of the select committee.)

Mr. BIEVER. That is the manual on plant protection, June 1952, issued by the Department of Defense, Munitions Board.

The CHAIRMAN. That has been made an exhibit for reference only. Proceed.

Mr. BIEVER. I call attention to page 7, which specifies that plant guards should be armed and trained in the use of their weapons.

We followed this direction. Our guards were armed with .38-caliber revolvers and were given instruction and target practice in the use of these weapons.

The CHAIRMAN. Would you mind at that point indicating how many guards you had that were given such instructions?

Mr. BIEVER. Approximately 25.

The CHAIRMAN. All right.

Mr. BIEVER. Kohler Co. conducts an extensive recreation program, including bowling, basketball, baseball, band and chorus, card playing, photography, archery, horseshoe pitching, and many similar activities.

Since at least 1917 this recreation program has included rifle and pistol shooting, both large bore and small bore, and on outdoor and indoor ranges.

The Government furnishes part of the equipment and ammunition through the Director of Civilian Marksmanship, and this is supplemented by purchases through the company.

Some individuals desire to possess their own equipment and this is sometimes purchased through the company with reimbursement made to the company.

In 1952 we began the Range Club, a trapshooting organization, as a part of our recreation program.

Mr. Lyman C. Conger and myself have been active members of the rifle and pistol club for over 30 years and were among the organizers of the Range Club.

The purchases of pistols, pistol ammunition, powder, and primers were all for plant guards, plant-guard training, the rifle and pistol club, and for resale to individuals.

All the .22 caliber-ammunition purchases were for the rifle and pistol club or for plant-guard training.

All the targets, bullseye or silhouette, were for the same purpose.

All the clay pigeons and the No. 6, 7½, and 8 shotgun shells were purchased for the Range Club and the company was reimbursed for them by those who used them.

None of those purchases were in any way related to strike preparation.

The union seeks to justify their present conduct by a completely false and perverted account of the riot of 1934. I was an eyewitness to that event. Grasskamp and Kitzman were not.

The riot of 1934 took place after 12 days of mass picketing and rioting which had kept the plant in a state of siege with no one, even office workers, allowed to enter or leave.

Even executives, with the single exception of Walter J. Kohler, then president of the company, were barred from entry to the plant. On the morning of July 27 the pickets prevented entry of coal cars needed to run the powerhouse.

I was at that time an engineer on leave of absence from Kohler Co. and acting as assistant chief of police of Kohler Village.

With some other deputies we went out and brought the coal cars in. We also gave the pickets instructions that they could picket legally but could not prevent entrance to the plant.

Aside from the statement, we have some of the clubs that we picked up off the picket line that day, in the city of Washington. If you wish to see them we will be happy to bring them in.

The CHAIRMAN. All right; let us get the prepared statement read first.

MR. BIEVER. All afternoon there were threats hurled at us, "Just wait 'till tonight," "We'll get you rats tonight"; and others of similar import.

As soon as it was dark a mob attack on the plant started simultaneously on both ends of the plant. A howling mob of thousands with rocks and bricks demolished windows and everything breakable.

A squad car of the village police was attacked with rocks and all the windows broken. The automobile of the county probation officer, a woman, who happened to be driving through, was attacked with rocks, the windows demolished and she was compelled to leave the car and seek refuge in the American Club.

When the two mobs converged together in front of the company office again the windows and everything breakable was demolished.

I am submitting herewith as exhibits photographs showing some of the damage caused by the mob. That is one that was entered last Wednesday by Mr. Conger.

THE CHAIRMAN. I don't recall the number of it, but a number was entered and this is one of those entered last week by Mr. Conger.

MR. BIEVER. Yes, sir.

THE CHAIRMAN. All right.

MR. BIEVER. All this damage was caused before any shots or even any tear gas was fired.

After the mob had destroyed everything breakable at the office, shouts arose, "Let's get the village," and, "Let's fire the plant."

At this point, Chief of Police John Case, I, and other deputies fired tear gas into the mob. With the assistance of the sheriff's deputies, the village police succeeded in splitting the mob and driving it out of town.

At the south end of the village we were successful in keeping the mob out of the village, but at the north end the wind had shifted and made the use of gas impossible.

The mob surged back into the village, attacked a residence, and members of the mob began shooting at the deputies.

At the corner's inquest numerous witnesses, many of them unconnected with Kohler Co. or Kohler Village, testified to the shooting from the mob.

I understand you have a transcript of all of the coroner's inquest.

I fired nothing but gas that night but I was shot at from the mob. Some of the sheriff's deputies and the village deputies fired into the pavement in front of the mob and succeeded in halting them. The deputies were subjected, not only to gunfire from the mob but to barrages of rocks and bricks and many of them were injured, some quite severely.

I was surprised at Mr. Kitzman's definitions of a peaceful picket line the other day, but I am positively amazed that he could call a riot like this a peaceful picket line.

This committee does not have to take my word for the events of this riot. I call attention to the following official actions at the time.

The coroner, after an inquest into the deaths, issued the following statement:

It clearly appears from the evidence that the decedents came to their death in a general gun fight between rioters and deputies in the village of Kohler on the night of July 27. The deputies, both county and village, were acting in line of official duty in the suppression of a riot, as required by the Wisconsin

statutes. The persons who fired the fatal shots, and whether they were deputies or members of the mob, remain unknown.

The deaths were most unfortunate, and equally so was the riot which led to the shooting.

The widow of one of the men killed in the riot brought suit against Kohler Co., its officers and myself, making the same charges now made by UAW-CIO.

I offer as exhibits notices of trial showing that attorneys for Kohler Co. and myself forced this case to trial. This was also entered by Mr. Conger last week.

The CHAIRMAN. That is a previous exhibit. All right.

Mr. BIEVER. I also offer as exhibits orders of the court showing that when the cases were forced to trial the union attorneys for the plaintiffs dismissed the case. This was also entered by Mr. Conger.

The CHAIRMAN. It has been previously made an exhibit. All right.

Mr. BIEVER. They did not dare try to prove their charges. This is the official and conclusive answer to Mr. Kitzman's statement that company guards shot down strikers.

I am also introducing as an exhibit the order of the Sheboygan County circuit court awarding judgment to Kohler Co. for damages caused by the riot.

I am advised that this statement has also been turned in by Mr. Conger.

The CHAIRMAN. That has been made an exhibit.

All right, is there anything additional you wish to say now before we proceed?

Mr. BIEVER. Yes, I have photostatic copies of the map of the village of Kohler which might be helpful to the committee.

The CHAIRMAN. Are these separate copies?

Mr. BIEVER. They are all separate copies, and there are 11 copies.

The CHAIRMAN. Does it take 11 of them to make 1 map of Kohler?

Mr. BIEVER. No, they are all the same.

The CHAIRMAN. Well, one of these may be made exhibit No. 87 and others may be made available for the use of the committee.

(Document referred to was marked "Exhibit No. 87" for reference and may be found in the files of the select committee.)

(At this point, the following members were present: Senators McClellan, Curtis, and Mundt.)

Mr. BIEVER. I would like to point out to the committee that—

The CHAIRMAN. You may proceed.

Mr. BIEVER. I would like to point out to the committee that in the upper left hand corner it shows the direction of north, and in the upper right quarter of the map it shows the industrial area.

That is the Kohler Co. factory.

The CHAIRMAN. Where is the industrial area?

Mr. BIEVER. In the upper right hand—

The CHAIRMAN. I see the sign here American Club.

Mr. BIEVER. That is across.

The CHAIRMAN. The industrial area is right across from the American Club?

Mr. BIEVER. Yes, sir.

The CHAIRMAN. What are those buildings right in front of the American Club. Is that the office?

Mr. BIEVER. That building directly across High Street from the American Club, on the semicircle, is the general office of the Kohler Co. The building at the extreme top of the sheet is the pottery, and at the lower end of the industrial area you can see a building which was then the south foundry. It now houses the artillery-shell mill.

The upper road shown on the map, the Upper Falls Road, is Highway 23, and below the factory area, bisecting the map, you see Highway 28, known as the Lower Falls Road. I think that pretty well covers it.

The CHAIRMAN. All right. That has been made an exhibit. Is there any further statement you wish to make before being interrogated?

Mr. BIEVER. No, sir.

The CHAIRMAN. Mr. Kennedy, you may proceed.

Mr. KENNEDY. How long have you been with the Kohler Co., Mr. Biever?

Mr. BIEVER. I started at the Kohler Co. in September of 1924.

Mr. KENNEDY. What was your position at that time?

Mr. BIEVER. Mechanical engineer.

Mr. KENNEDY. You were working in the plant, were you?

Mr. BIEVER. I was in the engineering department.

Mr. KENNEDY. And then you are plant manager now?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. You have been steadily promoted since that time?

Mr. BIEVER. I was promoted to chief engineer, and in July of 1949 I was made the plant manager.

Mr. KENNEDY. 1949. When were you made chief engineer?

Mr. BIEVER. 1935.

Mr. KENNEDY. 1935. You were promoted in 1935?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. What position did you have in 1934, during this strike that you have been discussing here? What position did you have in the plant?

Mr. BIEVER. I was a mechanical engineer.

Mr. KENNEDY. Did you have some official position with the deputies or with the law enforcement?

Mr. BIEVER. I was on the village reserve police force since 1931 but was not active at any time until 1934. When the strike started I was given a leave of absence and made the assistant chief of police.

Mr. KENNEDY. At the time the strike began?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. Did you devote your full time to that then?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. Was that with the concurrence of the Kohler Co.? They agreed to that, or they made the arrangements?

Mr. BIEVER. They did not make the arrangements. The village board appointed me.

Mr. KENNEDY. How did they happen to select you? Was that at the recommendation of Mr. Kohler?

Mr. BIEVER. Not at the recommendation of anything in the Kohler Co. It was the village board that appointed me.

Mr. KENNEDY. How did they find out about you?

Mr. BIEVER. Well, I presume that working with the chief of police, John Case, he must have recommended me.

Mr. KENNEDY. That is when you had been a deputy, is it? Prior to that time you had been a deputy?

Mr. BIEVER. I had been a reserve policeman, but never active, since 1931.

Mr. KENNEDY. Who did you have under your command then after the strike started?

Mr. BIEVER. After the strike started—at the time the strike started, the village had two policemen, the chief and a night patrolman. That group was increased to 20 men for patrol work through the village, and I was given men as they were sworn in to build up to a police force.

Mr. KENNEDY. You trained these men, did you?

Mr. BIEVER. Yes, sir. Well, we didn't have much chance to do training. There was, I think a 12- or a 14-day period until the riot, the day of the riot.

Mr. KENNEDY. Why was it felt that it was necessary to get these extra police?

Mr. BIEVER. The police were required, in my estimation, because of the violence on the picket line.

Mr. KENNEDY. The violence had already been exhibited on the picket line?

Mr. BIEVER. From the very first day.

Mr. KENNEDY. What sort of violence was it?

Mr. BIEVER. Well, they had a closed picket line and carried a long rope, three or four hundred feet long, and about an inch or an inch and a quarter in diameter, that they paraded forth and back.

They would march in one direction in front, closing off both of our gates, our main gates.

Mr. KENNEDY. Was this the UAW? Or was this another union?

Mr. BIEVER. This was the Federal Union 18545.

Mr. KENNEDY. But they were doing the same tactic of mass picketing?

Mr. BIEVER. It was mass picketing, and I think was riotous from the very first day.

Mr. KENNEDY. It was riotous because it is mass picketing?

Mr. BIEVER. Yes; and because of the tremendous shouting and yelling that they were doing. Every time that they reversed direction in carrying their rope in front of their plant, they would scream and yell "Yah." It would be heard all over the village, and people in the village, women and children, just couldn't get rest.

Mr. KENNEDY. There was a lot of this yelling and screaming. Then you got these 20 deputies and they started working under you, is that right?

Mr. BIEVER. No, sir; they worked under the chief of police.

Mr. KENNEDY. What was your responsibility, you, specifically?

Mr. BIEVER. I was given recruits into the police force.

Mr. KENNEDY. How many recruits did you have by that time?

Mr. BIEVER. At the time of the riot, I think we had close to 80.

Mr. KENNEDY. They were working under you?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. Were you responsible for their training?

Mr. BIEVER. Well, we had very little chance for training. The only training that we were able to give them was lectures, and that was done by Ernest Schnelke, who was a captain in the National Guard and a deputy sheriff.

Mr. KENNEDY. Did you distribute the guns to them?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Who distributed the guns to them?

Mr. BIEVER. The only guns that the deputies had were their own shotguns that they brought in from home.

Mr. KENNEDY. Were they instructed to bring the shotguns?

Mr. BIEVER. They were not instructed to. They did.

Mr. KENNEDY. But you approved of their having the shotguns during this period?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. And up to the time of the riot, the members of the union were marching up and down and yelling and screaming; is that right?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. And that was very disturbing to the company inside?

Mr. BIEVER. It wasn't disturbing to the company. There wasn't any one in the plant. The plant was completely closed down.

Mr. KENNEDY. Nobody was working at that time?

Mr. BIEVER. No, sir.

Mr. KENNEDY. On the evening of the riot, had you distributed your people around?

Mr. BIEVER. On the evening of the riot, the group that I had were in the rear of the American Club——

Mr. KENNEDY. Doing what?

Mr. BIEVER. Up to the point of the gas shooting.

Mr. KENNEDY. What were they doing in the rear of the American Club?

Mr. BIEVER. They were just held there in reserve in case of any further use.

Mr. KENNEDY. The 80 of them?

Mr. BIEVER. I don't remember—I don't think there were 80 at that time, because with a new police force of that kind, many of them disappeared.

Mr. KENNEDY. Approximately how many did you have?

Mr. BIEVER. I would guess that we had from 50 to 60 actually, in reserve.

Mr. KENNEDY. You fired the gas shells at that time?

Mr. BIEVER. Yes, sir. After the mob, the two mobs, converged from both the north and the south, and came in front of the American Club, and the general offices, as you can see on the map, the mass—there was, I estimate, 5,000 people.

Estimates higher than that were made at that time, some as high as 15,000.

They were very riotous, and it was not until they threatened to fire the plant and to get the village that the village president and the chief of police ordered me to fire gas projectiles.

Mr. KENNEDY. Had they set the plant on fire up to that time?

Mr. BIEVER. They had not, no.

Mr. KENNEDY. But they had thrown rocks through the windows?

Mr. BIEVER. Barrels and tons of rocks.

Mr. KENNEDY. They had thrown tons of rocks through the windows?

Mr. BIEVER. Yes, sir. Everything that was breakable was broken.

Mr. KENNEDY. Had any of them stormed into the plant?

Mr. BIEVER. Not to my knowledge.

Mr. KENNEDY. They had not gotten into the plant. Had any of them come into any of the homes?

Mr. BIEVER. I don't know. I don't remember that.

Mr. KENNEDY. Do you know—

Mr. BIEVER. I know that they attacked two homes that I remember that they attacked. One was a shoe store, which is located at the upper end of High Street.

Mr. KENNEDY. But had they actually gotten into any of these stores or homes?

Mr. BIEVER. They broke the windows and firing was done at that home, pistol firing.

Mr. KENNEDY. Pistol firing was done in that area?

Mr. BIEVER. Yes. And one other home in the village was an apartment in the building just south on the map, the long dark building. It is an apartment building on the second floor.

Mr. KENNEDY. So there were rocks thrown into the plant, breaking the windows there, and there were two homes or stores in which rocks were thrown?

Mr. BIEVER. Yes. There was also one home on Grafton Court, which is the fourth street from the upper highway. The corner house had pistol shooting because a slug was dug out of the doorway or the door frame. And that was before any shooting took place by anybody, any deputy.

Mr. KENNEDY. Do you know who was responsible for that shooting?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Did you have any trucks around there to assist you?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. What kind of trucks did you have?

Mr. BIEVER. We had 4-ton or ton-and-a-half Chevrolet trucks that were purchased by the village. They were platform trucks with stakes on the side.

Mr. KENNEDY. When were they purchased?

Mr. BIEVER. Some time before the strike. I am not sure. I don't know the date.

Mr. KENNEDY. In preparation for the strike?

Mr. BIEVER. I don't know that. But I doubt it very much.

Mr. KENNEDY. For what other reason would you need four of these kind of trucks?

Mr. BIEVER. Well, trucks of that kind can be used for police—for city construction work.

Mr. KENNEDY. Would you need four trucks such as you speak of for city construction work in the city of Kohler?

Mr. BIEVER. I don't know that.

Mr. KENNEDY. I have been to the town of Kohler, and I can't believe that you would need four trucks.

Mr. BIEVER. Well, I said there were four. I don't remember whether they were purchased before the strike started or after the strike started.

Mr. KENNEDY. But they must have been in connection with the strike; were they not?

Mr. BIEVER. They could have been. I don't know. I don't recall.

Mr. KENNEDY. You assigned your men to these trucks; did you?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. And did they drive around and try to keep order? Was that part of their tasks?

Mr. BIEVER. The day of the riot, and it was riotous from early morning until the following morning, in the afternoon the trucks were used by the police to patrol the streets. They drove up and down. I recall very well that Mr. Schuelke, who was in charge of that group, read the village proclamation by the village president, and also read sections of the Wisconsin statutes on riots and mobs.

Mr. KENNEDY. Then you were talking about the fact that you fired the tear gas projectiles to disperse the mob, disperse this group of people, so that they went to separate sections of the town; is that right?

Mr. BIEVER. That is right.

Mr. KENNEDY. Was there more than one gas projectile fired at them?

Mr. BIEVER. Yes, sir. There were a number of gas projectiles fired from in front of the club toward the office, where the largest mass of rioters were, and the idea was to break the mob in two and drive them north out of the village and south on High Street out of the village.

However, as soon as they started breaking both ways, and they were milling and screaming, yelling, part of the group at the north proceeded to go into the village, at which time Schuelke was ordered by the chief to fire northerly. The three first lots which I have marked in a light cross were lawn. They were plotted but they were never built on. The mob ran across that grass plot into the village.

Schuelke then fired directly north from about halfway in front of the American Club to the street, and broke that mob and warned them not to go into the village.

Our families were in the village. We were going to keep them out of there if we could.

Mr. KENNEDY. Is that when the shooting began?

Mr. BIEVER. Well, do you mean the shotgun shooting?

Mr. KENNEDY. Yes.

Mr. BIEVER. No. That took place later. The group that I worked with, and it was a very small group, pushed, moved, the crowd to the south, toward the lower Falls Road, or the Chicago & North Western Railroad track. Just about at the village hall is where we stopped. That group was kept in check. They stayed on the lower road, many of them, but others also dove in their cars and left.

Some time at about, I would say, 8:30 or a quarter to 9, I heard gunfire from the north, which was definitely not tear gas. The report is entirely different. Anyone familiar with shotguns could—

Mr. KENNEDY. Anyway, the firing started in the north?

Mr. BIEVER. At the north end.

Mr. KENNEDY. These were some of the people under your direction or control?

Mr. BIEVER. They were under direction of Ernest Schuelke at the north.

Mr. KENNEDY. These were people that were working for you? These were some of the deputies?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. And some of them were involved in this firing and shooting, is that right, in the northern part of the town?

Mr. BIEVER. Very likely. When they were driven north, the wind shifted and gas could no longer be used. At that time, apparently the mob decided to go back into the village, and there is such testimony, stoned and threw bricks and shotguns at the police.

At that time, there were two of those trucks parked crosswise on the highway, trying to use it as a barricade.

But the crowd came in, firing, and apparently shotgun firing was done into the pavement, because the ricochets of the slugs were very evident in the tar pavement, or macadam pavement, the following day.

Mr. KENNEDY. As I understand, this group of people were firing into the deputies, and throwing rocks and bricks at them and the deputies were firing back into the pavement, is that right?

Mr. BIEVER. I presume so. When I saw the gun flashes from the south end of the street, heard the shotgunning and walked north, I picked up John Case somewhere along the way, I remember that.

Mr. KENNEDY. Did you fire any shots yourself?

Mr. BIEVER. I fired nothing but gas that night.

Mr. KENNEDY. Just gas?

Mr. BIEVER. Just gas.

Mr. KENNEDY. Did anybody with you fire any shots?

Mr. BIEVER. I directed one man to fire a shotgun into the railroad bank just east of High Street, as you see on the map.

Mr. KENNEDY. Do you know August Tasche?

Mr. BIEVER. I do not.

Mr. KENNEDY. Did you ever hear of him?

Mr. BIEVER. I may have. I don't remember.

Mr. KENNEDY. Do you know that he filed an affidavit during that period of the inquest, regarding your activities?

Mr. BIEVER. I don't recall it.

Mr. KENNEDY. It is not evidence, but I would like to predicate a question on it.

The CHAIRMAN. You may do that.

Mr. BIEVER. Is he the man that made the statement that I carried a shotgun?

Mr. KENNEDY (reading):

August Tasche being first duly sworn, on oath deposes and says that he is a resident of the city of Sheboygan, residing at North 18th Street and Wildwood Avenue. That he is married and has 5 children, that he was formerly employed at the Kohler Co. for about 9 years, that he was walking north on Industrial Road; that 3 men jumped out of the bushes from the Boulevard, that 1 man named Ed Biever yelled, "We are sheriff's men and it's a riot;" that bullets followed right after that; that he felt something sting in his arm, but didn't realize he was shot; that he looked toward the men that did the shooting; that he got his face full of buckshot; that he then realized they were

using shotgun shells and shotgun bullets; that he then ran for the upper road; that while he was then running he realized that he had a bullet through his arm.

Do you remember that incident?

Mr. BIEVER. No, sir. I think I remember the statement that was made at the inquest, but I did not fire a shotgun. I didn't handle a shotgun.

Mr. KENNEDY. Did anybody with you? I don't think he says that you fired it, but he says you were with the gentleman that fired it? While you were with anyone, did they fire a shotgun?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Nobody fired one?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Nobody on this evening of the riot fired any guns in your presence?

Mr. BIEVER. Except that one man on the lower road.

Mr. KENNEDY. What was the one man on the lower road?

Mr. BIEVER. The one man I told you about before. On the lower road, I ordered one of the men with a shotgun to fire into the railway embankment, because a group of the rioters were running north toward the Kohler fence, trying to get behind the deputies. That shot into the bank hurt no one, because I saw the shot fired.

Mr. KENNEDY. Mr. Biever, does it appear to you at all peculiar that the shooting was in retaliation of this mob, as you called them, shooting at you people; that you were behind barricades; that they were throwing rocks, and that you were shooting back, but shooting, from what you say, into the pavement, and yet all the people that were shot and killed were all strikers?

Does that strike you as peculiar at all?

Mr. BIEVER. No, sir; it does not.

Mr. KENNEDY. And what Father Maguire said about this situation:

I have never seen such needless and ruthless killing by supporters of the law. Where it is understood that most of the people were shot in the back last Friday, the ruthlessness is evident. You don't have to shoot people in the back when they are running away. I examined a score of wounded and all except two were shot in the back.

Mr. BIEVER. I doubt if Father Maguire was in a position to make a statement like that, because he wasn't there that night.

Mr. KENNEDY. He evidently examined the wounded and he found out. There was an account that he made after an examination of the facts.

You are certainly not a completely objective person in this account. You were in charge of some of these people. I would think that his word on this, his account of it, would be fairly accurate and should be accepted.

The CHAIRMAN. The Chair will make this observation:

I don't believe that is sworn evidence as yet. That is a statement he is purported to have made. You can confirm it or deny it. Counsel has read to you a statement that the Father is purported to have made.

Mr. BIEVER. Yes, sir.

The CHAIRMAN. You may confirm or deny it.

Mr. KENNEDY. This is what he is reported to have stated (reading):

I have been in many strikes, but I never saw such needless and ruthless killing by supporters of the law. When it is understood that most of the people

were shot in the back last Friday, the ruthlessness is evident. You don't have to shoot people in the back when they are running away. I examined a score of wounded and all except two were shot in the back.

Then he goes on to make some statements about the fact that the Kohler Co. said that bricks were being thrown through their windows and, therefore, there was property damage. He says:

As a member of the Chicago Regional Labor Board I am not going behind fences to say what I have to say. There are human rights and property rights. But human lives are more sacred than property rights.

Mr. BIEVER. I will certainly agree to the last statement.

Mr. KENNEDY. Do you agree with the rest of it?

Mr. BIEVER. No, sir; I do not.

Mr. KENNEDY. You are questioning Father Maguire?

Mr. BIEVER. I am.

Mr. KENNEDY. You are challenging Father Maguire?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. O. K.

Mr. BIEVER. Because I was there, and I know about what took place. At the north end, when that mob came in, apparently—

Mr. KENNEDY. Are you questioning the truthfulness of Father Maguire in this statement?

Mr. BIEVER. Well, I wouldn't question any good father at any time.

Mr. KENNEDY. Do you question the truthfulness in this statement?

Mr. BIEVER. I think a few of the points he made in there I would disagree with.

Mr. KENNEDY. You disagree with them?

Mr. BIEVER. Yes. In a mob—I would like to explain that in a mob of that kind, a riot, people are not all running in one direction.

They are milling around. When they came back into the village, it is doubtful if all of that shooting or the wounded took place or was caused by the deputies.

There was shooting from the mob.

Mr. KENNEDY. If these people were so close that they could throw bricks and rocks and hit you people, then certainly they were close enough to be able to hit you with a shotgun. It seems to me that you can perhaps question Father Maguire, but you can't get away from the fact that all the people that were shot were all strikers.

Mr. BIEVER. And they weren't all shot in the back. I think, as I remember it, there were 7—

Mr. KENNEDY. Are you arguing that they all were not shot in the back? But at least all that were shot were strikers. You can't get away from that.

Mr. CONGER. Mr. Chairman, I think I have a right to object to that question. I think it is not based on the record that they were all strikers.

The CHAIRMAN. My recollection is that it was 43 that were shot; is that correct; and 41 were strikers and 2 were not.

Am I correct?

Mr. BIEVER. I think there were 35.

Mr. CONGER. 35.

The CHAIRMAN. I am talking about testimony that has been introduced here.

Mr. KENNEDY. We have the dead and injured here, Mr. Chairman. Lee Wakefield, age 25. We can put their names in. You can tell us about them. A rifle bullet through his chest.

The CHAIRMAN. Ask him about them.

Mr. KENNEDY. Lee Wakefield, did you know him?

Mr. BIEVER. No.

Mr. KENNEDY. Rifle bullet through chest; removed from back; died while being brought to St. Nicholas Hospital.

Henry Engelmann. Did you know him?

Mr. BIEVER. No, I did not.

Mr. KENNEDY. Shot through back and abdomen.

Died at Memorial Hospital at 4:15 a. m.

Henry Nuss, injuries to knee and foot.

Was Henry Nuss working for you?

Mr. BIEVER. I don't know.

Mr. KENNEDY. Joe Hehak, gunshot wounds in legs and arms. Do you know him?

Mr. BIEVER. I don't know him.

Mr. KENNEDY. Christ Brack, burn on left shoulder. Do you know him?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Philip Eirich, flesh wounds on head and legs and fractured left foot. Do you know him?

Mr. BIEVER. No, sir.

Mr. KENNEDY. Leonard Buss, injured arm.

Mr. BIEVER. Mr. Kennedy, that was 25 years ago—a quarter of a century ago.

Mr. KENNEDY. I am trying to find out of all of this list, and there are about 45 of them, who in the Kohler employ or who of your deputies were injured even. Can you name anybody who was shot who was one of your deputies?

Mr. BIEVER. No, I don't—

Mr. KENNEDY. Can you name anybody who was shot who was within the Kohler Co. when this was taking place?

Mr. BIEVER. No, sir.

Mr. KENNEDY. I think those facts speak for themselves.

Mr. BIEVER. I would like to make a statement. When I moved from the south, where that gun shooting took place at the north end, I went up with John Case to find out what it was all about, and I met with a brick, about—and I am guessing—about a three-quarters size brick, which I got on the chest, which completely upended me, and I carried the black and blue mark around for about 2 weeks.

Mr. KENNEDY. This man Henry Englemann didn't carry his wound 2 weeks. He was shot through the back and abdomen and died at 4:15 in the morning. It is a little different. I would rather be hit by a brick than a bullet.

Mr. BIEVER. It depends upon where you get it.

Mr. KENNEDY. I think the next step is that in 1935, a year after this was over, you then were promoted. Evidently the Kohler Co. was pleased as to the way you had handled this matter.

Mr. BIEVER. Apparently I had done a satisfactory job as an engineer in the Kohler Co. I am sure that no one was ever rewarded for anything that took place at the strike.

Mr. KENNEDY. Did anybody ever apologize or make any statement that they repudiated what had been done that night?

Mr. BIEVER. Not to my knowledge or memory.

Mr. KENNEDY. Then we go on to 1952 and the UAW starts to come into the plant and you are assigned to the same task, building up the arms and ammunition in the plant.

Mr. BIEVER. I was not assigned to the same task, Mr. Kennedy. I was plant manager of the plant.

Mr. KENNEDY. Weren't the arms and ammunition all ordered by you in 1952?

Mr. BIEVER. Yes, sir. As part of my job, as I read in the statement, I am responsible for plant security.

Mr. KENNEDY. Then you saw fit, then, in 1952, when the UAW came in, to start storing up the arms and ammunition again; is that correct?

Mr. BIEVER. Yes, sir. I believe that we have every right to protect our lives and our property.

Mr. KENNEDY. Well, certainly, you talk in this statement about the fact that you did this because you knew of the UAW's history of violence.

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. Certainly, then, the UAW using the same criteria could also start storing up arms and ammunition to get ready for the Kohler Co., because you had a history of violence. The Kohler Co. had a history of violence.

Mr. BIEVER. I don't know what the union did.

Mr. KENNEDY. But I mean if that is the criterion that everybody is going to use, if they are going to make their own judgment on it, certainly nobody would have greater reason to start storing up arms and ammunition and recruiting a small group of people to get ready to fight than the UAW.

Mr. BIEVER. We didn't fight. There wasn't a round of ammunition that we bought for protection ever used.

Mr. KENNEDY. The reason that you used them in 1934, as I understand it, is because you sustained some \$3,500 worth of damages to the plant. People threw bricks through the windows. It happened to be that the UAW didn't do that in this case.

Mr. BIEVER. Yes, sir. Neither was any ammunition used.

Mr. KENNEDY. Evidently, the UAW was fortunate enough at that time not to throw bricks through the windows, and not to destroy any of the property, or possibly all of this ammunition then would have been used on them——

Mr. BIEVER. The strike on the picket lines were the police department problems, the police and the sheriff.

Mr. KENNEDY. Why didn't you leave it to the police department instead of storing up arms and ammunition?

Mr. BIEVER. We did entirely, but for the protection of the people that were to be in the plant and for the plant and the Government equipment in there, we were responsible for that.

We signed a contract with the Government to take care of that equipment. That included riots.

Mr. KENNEDY. And you brought these riot guns, I understand?

Mr. BIEVER. Yes, sir.

Mr. KENNEDY. And you were in charge of it as you were in charge of it in 1934?

Mr. BIEVER. I was in charge of plant protection as part of the duties of a plant manager.

Mr. KENNEDY. And you started purchasing the arms and ammunition immediately after the people in the plant voted to affiliate with the UAW. There hadn't been a strike vote or anything else. All it was was that the people in the plant, through their own free choice, decided that they wanted to affiliate with the UAW, which is their American right.

Mr. BIEVER. We bought no equipment until there was a strike vote.

Mr. KENNEDY. Well, let me look. Didn't you buy some .38-caliber revolvers?

Mr. BIEVER. We bought .38-caliber revolvers, yes, sir.

Mr. KENNEDY. And you bought six .38-caliber revolvers and 3,000 rounds of ammunition?

Mr. BIEVER. Yes.

Mr. KENNEDY. Isn't it correct that on May 11, the members, the people working in the plant, voted to accept the UAW and affiliate with the UAW-CIO, on May 11, 1952, and on May 13, 2 days later, you purchased six .38-caliber revolvers and 3,000 rounds of .38-caliber ammunition?

Mr. BIEVER. All of that ammunition and all of those firearms were not bought for plant protection. Much of that was bought for individuals. I personally purchased three of those. I kept two and resold one. I am sure I bought one for Mr. Conger.

Mr. KENNEDY. It appears to be more than a coincidence that on May 11, the employees of the plant voted to affiliate and on May 13 you start buying guns and ammunition, and that continues through 1952, through 1953, and 1954?

Mr. BIEVER. The guns that were ordered in 1954, the shotguns and the buckshot, were ordered because there was a threat that the village police were about to be disarmed.

The union made every attempt to disarm the police.

Mr. KENNEDY. When was that?

Mr. BIEVER. That was about in June of 1956.

Mr. KENNEDY. June of 1956?

Or 1955?

Mr. BIEVER. 1955. Excuse me.

Mr. KENNEDY. That is when you bought the 12 riot guns?

Mr. BIEVER. Yes, sir. Most of that ammunition was used for police training, for recreation purposes, as I read to you out of the statement.

Mr. KENNEDY. Are riot guns recreation for the people at the Kohler Co.?

Mr. BIEVERS. Riot guns, no, sir, but they could readily be converted.

Mr. KENNEDY. To recreation?

Mr. BIEVER. They could be.

Mr. KENNEDY. Have they been used for recreation?

Mr. BIEVERS. They have not. Not one has been used.

Mr. KENNEDY. According to the pamphlet that comes with them, they are to be used against mobs and groups of people.

Mr. BIEVER. Not one of them was ever used.

Mr. KENNEDY. I would think that that probably was—or at least it would appear to be that the UAW, at least on the picket line, behaved better than you expected they would.

Mr. BIEVER. No.

Mr. KENNEDY. You bought these guns to use against them because you thought that they were going to do something, and they didn't do it, so, therefore, you didn't use the guns.

Mr. BIEVER. Only if they came in the plant. If the people in the plant were going to be endangered, or if it was to be taken over by the union, we were going to resist it, first with gas. I believe that was, that gas is the most humane way of stopping riots.

Mr. KENNEDY. Use the gas and then if that doesn't work, use the guns, is that right?

Mr. BIEVER. Well, under certain circumstances gas cannot be used. But I disagree that there was a peaceful picket line out in front of our plant. There was a mass picket line and a riot. We had riots for 2 months out there.

Mr. KENNEDY. I agree that there was mass picketing going on. I don't think there is any question of that. And they were keeping the people from their work, people who were entitled to go to work. But certainly from your testimony, you anticipated all sorts of horrible things that the UAW was going to do, and then you stored up with these riot guns and these large amounts of ammunition.

Mr. BIEVER. I always anticipate things in the plant. That is my job, protection. I buy more fire hose for the plant and more extinguishers than the codes call for.

I recommended when I came on the job to buy a fire truck for just the plant use, and we trained a fire brigade. You don't wait until things happen.

Mr. KENNEDY. The Kohler Co. seems to have a great deal of trouble and problems with the people of Sheboygan or the people of Kohler, Wis., or their employees. You had a problem with them in 1934, so it was necessary to shoot gas at them and then shoot live bullets at them. Then you have the problem in 1954 and you have the same kind of difficulty.

Mr. BIEVER. Let me straighten that out. The Kohler Co. did no shooting in 1934.

Mr. KENNEDY. Well, you were an important figure in the Kohler Co. You were the deputy. The Kohler Co. pays some 85 or 90 percent of the taxes of Kohler Village. The Kohler Co. has an important relationship with the Kohler Village. I think they are practically one and the same; certainly at that time.

Mr. BIEVER. I was a lowly mechanical engineer at that time and not a plant official.

Mr. KENNEDY. Did you feel in 1934 that the matter had been settled successfully?

Mr. BIEVER. I can't get your thinking on that.

(At this point, Senator McNamara entered the hearing room.)

Mr. KENNEDY. What?

Mr. BIEVER. I can't get your thinking on that.

Mr. KENNEDY. Did you feel that it had been settled satisfactorily?

Mr. BIEVER. I had no feelings about it whatsoever. I merely went back to work later in the fall when things cleared up.

Mr. KENNEDY. The Kohler Co. never repudiated what had gone on in 1934 that you know of?

Mr. BIEVER. I don't know.

Mr. KENNEDY. Mr. Conger was quoted as saying to Mr. Murphy that the 1934 strike brought 20 years of labor peace.

Do you know anything about that?

Mr. BIEVER. I never heard Mr. Conger make that statement. And knowing him as I do, I doubt if he would have.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions by any members of the committee?

Senator MUNDT. I would like to ask some question about the clay boat incident we have heard so much about.

The CHAIRMAN. Senator Mundt?

Senator MUNDT. Mr. Biever, as plant manager, was it part of your duty to supervise the unloading of clay boats?

Mr. BIEVER. Yes, sir. I regularly inspect every clay ship when it comes in to Sheboygan Harbor since I have become plant manager.

Senator MUNDT. Prior to the strike, did you use to go down to the harbor and supervise the unloading of the clay boat, or did you just do it when the plant was on strike?

Mr. BIEVER. No, sir.

I regularly go down for every clay ship and have done so since 1949 because it is necessary for us to get clay without salt water. Some of the steamers often ship water over the top sides, and if any salt water is present it is very, very harmful to our product.

In fact, we can't use it. We have to dump it.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator MUNDT. What was the date of this so-called clay-boat incident?

Mr. BIEVER. It was July 5, 1955.

Senator MUNDT. How often do you ship in clay in a clay boat? Every year, every 5 years, or every week?

Mr. BIEVER. No, sir. We ship from 5—we bring in from 5 to 7 clay ships each year, depending on the cargoes that we can contract for; last year there were 7.

Senator MUNDT. Was any clay delivered to the Sheboygan dock in 1954?

Mr. BIEVER. Yes, sir. And we had no trouble getting it in or out, except that during the period—

Senator MUNDT. Wasn't the strike on in 1954?

Mr. BIEVER. The strike was on in 1954. During the period of the mass picketing, we stored the clay on the dock. We built a platform to keep it off the ground. We loaded the clay on that platform and purchased a large tarpaulin to place over the clay to protect it. It was about the size of a small circus tent.

Senator MUNDT. Have you any idea why you were permitted to unload the clay in 1954 while the strike was on and not permitted to unload clay in 1955 while the strike was on?

Mr. BIEVER. I had no reason to believe that we were going to have trouble in 1955.

Senator MUNDT. You went down to the dock that morning, then, just as had been your habit in 1954 and other times, in unloading the clay?

Mr. BIEVER. Yes, sir.

Senator MUNDT. How did you go down?

Mr. BIEVER. I drove down with—the first trip I made to the dock was with Joe Born, a driver; with Thomas Shields, our construction superintendent.

Senator MUNDT. What time of the morning was that?

Mr. BIEVER. We left Kohler at about 7 o'clock, and I would say it was about 7:15 when we got to the ship. There were four men in the car.

Senator MUNDT. When you got down there, what did you find? What were conditions like when you arrived there that morning?

Mr. BIEVER. When we got to the dock area, we noticed that some of Buteyn's equipment was in the middle of Pennsylvania Avenue, on a public street, and that there was a picket line in front of the main gate.

That picket line had about 15 people in it, but in front of that picket line were Don Rand and Ray Majerus, both international representatives, and they were running the show.

Senator MUNDT. Were they down there before you got there or did they arrive after you had gotten there?

Mr. BIEVER. No, sir. They were there when we arrived. In fact, they would not permit us to get into the dock, so we drove up to the Hildebrant Lumber Co., who owned the property, and procured a key for a secondary gate which is south of the main gate and adjacent to the Coast Guard station.

We got in—it is a very narrow gate, just wide enough for a motor-car—we drove in and Tom Shields, the construction man, who had the keys then for that gate and the main gate, turned the keys over to one of the Buteyns. I think it was Cornelius or "Happy" Buteyn.

Senator MUNDT. It has been testified to before our committee, Mr. Biever, that your appearance in the clay boat area in 1955 precipitated the riot, because the members had in mind your participation in the strike about which Mr. Kennedy was inquiring, which was 20 years prior to that.

What happened in 1954? The strike was on, and you went down to the clay boat area. Did you precipitate a riot then? That was 1 year closer to the 20-year period.

Mr. BIEVER. No, sir, or in and out of the picket lines at the plant at any time. I always got in and out and there wasn't any trouble.

Senator MUNDT. Did you have any trouble getting through the picket line this time in 1955, getting through the picket line?

Mr. BIEVER. Yes, sir. We couldn't get through the picket line that first trip. We drove in to the dock. I conferred with the ship's officers, inspected some of the cargo, and proceeded to leave.

But we had given the key up for the east gate, so we had to drive through the main gate. After two of the policemen opened the lines, we drove through and came back to Kohler.

Senator MUNDT. Did Donald Rand say anything to you down at that picket line?

Mr. BIEVER. Don Rand said, "You won't get"—that was when we first approached the picket line, he said, "You won't get through here."

Senator MUNDT. You didn't get through there. You had to go through some other gate?

Mr. BIEVER. That is right.

Senator MUNDT. Did you see either of the Buteyn brothers?

Mr. BIEVER. Yes, sir. I saw Cornelius the first trip in, and he stated, as I remember it, that he thought we were going to have some trouble.

I would like to also mention, Senator, that that dock is on the Sheboygan River, or harbor, which is maintained by the Corps of Engineers, United States Corps of Engineers, and is also public property. So I felt we had every right to be down there.

Senator McNAMARA. Are there any further questions?

Senator MUNDT. Yes.

So the first time you went down early in the morning, you tried to get through the picket line. Don Rand said, "You cannot get through," and you went some other place and got through a gate and got on the dock. You talked to Mr. Buteyn and he said you were going to have difficulty getting this stuff unloaded.

What did you do then? Did you drive out?

Mr. BIEVER. No, sir. We drove through the picket line and drove home. I drove back to Kohler.

Then at about 8:30 I picked up Girard Desmond, one of the attorneys, and Paul Jacobi, a cameraman, and Born, and we drove back down.

Senator MUNDT. When you drove back a second time, was there still a picket line there?

Mr. BIEVER. There was a very much larger picket line and there were more spectators. I would guess there were 35 to 50 in the picket line. It was a close, tight, picket line. It was impossible to get in.

However, the police again opened the line for us to go through.

(At this point Senator McClellan entered the hearing room.)

Senator MUNDT. Who seemed to be in charge of the picket line the second time you came back?

Mr. BIEVER. Don Rand was in charge of the picket line. Ray Majerus was there.

Senator MUNDT. Ray Majerus, is he a local No. 833 boy or is he an outsider?

Mr. BIEVER. He formerly was, but I understand he is an international representative now. That is Ray Majerus and Art Bower, the president of the union, was marching in that picket line, and Egbert Kohlhausen, who is the recording secretary, I believe, of the local, was also right alongside of the line. He was not marching, however, when I saw him.

Senator MUNDT. On this second visit to the dock area, did you talk to the Buteyn brothers again?

Mr. BIEVER. Yes, sir. At that time I talked to Pete Buteyn, Peter Buteyn, and he suggested that his men out in the equipment on the street were having a very bad time; that they were being threatened; and that he was afraid for their lives, and asked Desmond and me to, as representatives of the company, be relieved of his contract for unloading the clay.

Senator MUNDT. What did you tell him?

Mr. BIEVER. I told him that I would like—I asked him if we could borrow his trailer so that we could move our own equipment in. We had a tractor for that low trailer, but we didn't own a trailer. That

was satisfactory with Pete, and we later on moved, after he could get his equipment off the street, we moved that trailer to Kohler and put our own crane on it and proceeded and sent the crew back down.

There were three men in the cab.

Senator MUNDT. This time when you went back with your own drivers, with your own equipment, were you able to get through the picket line again?

Mr. BIEVER. I didn't get that, sir.

Senator MUNDT. This time when you came back with Mr. Buteyn's equipment, but with your own drivers, were you able to get through the picket line then?

Mr. BIEVER. No, sir. I got down to the dock area on Pennsylvania Avenue about a block away from the gate. There was a very much larger crowd there. We could see our truck being attacked. They were milling around, a large crowd—probably at that time 500 or 700—milling around the machine, and we could distinctly see one of the men being dragged out of the truck cab.

That man, we waited for him. He walked up the hill on the north sidewalk. We picked him up, and I would say that the man was very badly beaten. He was staggering. He was just completely beaten. We then took him to the police station.

Senator MUNDT. Did you find out who beat him?

Mr. BIEVER. No, sir.

Senator MUNDT. You didn't find out who dragged him out of his truck and beat him?

Mr. BIEVER. We couldn't get close enough. There were so many people who were kicking and punching and everything. I remember—

Senator MUNDT. When you saw this violence taking place, what did you do?

Mr. BIEVER. We took Shields to the police station, and I talked to the chief of police.

Senator MUNDT. Was that Chief Wagner at that time?

Mr. BIEVER. Chief Wagner. I talked to the chief because I was concerned about those two men of mine who were still in that truck, because they were going to be severely beaten, also.

After quite a long time and much pleading, the chief finally decided to send Desmond and me down with the city detective named Stubbler in his own green, tudor car.

Again, we couldn't get near the equipment, and someone in the crowd that was exciting that mob down there, and it was riotous at that time, suggested that they come up and give us a rough time, which they did at the car.

They surrounded the car. They rocked the car and threatened to tip it over. One man, Rudolph Gunderson, reached into the front seat, where Stubbler had been driving; I sat directly back of that in the back seat. He reached in to turn the window down, but I tried to turn the window back up.

He was punching, when he got the window open, punching and clawing, trying to get me out of there.

Senator MUNDT. Who was Rudolph Gunderson?

Mr. BIEVER. He was one of the strikers.

Senator MUNDT. A member of 833?

Mr. BIEVER. Yes, sir.

Senator MUNDT. You say you went up and talked to Chief Wagner. Did you ask him for more police protection?

Mr. BIEVER. After that, we decided that there wasn't anything more that we could do. We finally got out of there. We had to leave the equipment out, but I found out from the police department that the two men that were still in the truck had been rescued by the police and had been taken by the police station.

Senator MUNDT. Did you hear yourself called butcher boy that day?

Mr. BIEVER. I did not.

Senator MUNDT. It was testified here that when you came on the scene, somebody yelled, "Here comes butcher boy," and you really had a riot on your hands.

Mr. BIEVER. I did not. The first time that come to my attention was last January 1 of the strike bulletins, thanks to Mr. Treuer and Mr. Kohlhausen.

Senator MUNDT. You didn't hear anybody call you butcher boy down there?

Mr. BIEVER. No, sir.

Senator MUNDT. Any time during the day?

Mr. BIEVER. No, sir. I inquired from these other men that were with me and they all stated that they did not hear any such words.

Senator MUNDT. Your testimony is that this rioting, this mass picketing, was occurring before you got there, and was not a consequence of your showing up at the dock?

Mr. BIEVER. That is right. They were there when he arrived, and they were walking a tight picket line.

Senator MUNDT. How did you finally get the clay from this boat in Sheboygan? How did you finally get a hold of it?

Mr. BIEVER. The clay was no unloaded in Sheboygan. I would like to mention, too, Senator, that the reason for our trying to get our equipment into the plant that day and get that ship unloaded is because there was another Norwegian steamer, *Dirina*, that was on the Great Lakes and expected to be in Sheboygan within 2 days. That is about the normal time for unloading a ship. We just felt we had to get that ship unloaded.

After all, as American citizens, I think we have every right to be on streets and on public property of that kind, and also on the dock area which is maintained with Government funds.

Senator MUNDT. Was some of this clay eventually moved by train, by railroad?

Mr. BIEVER. The ships—one tried to get into Milwaukee and the other one stayed offshore, but they finally turned around and went to Montreal and were unloaded there.

We were told that the unions threw up a small picket line there, but the provincial police stopped it immediately. In fact, the clay broker that was there and saw it was quite happy. He said, "If you had had police protection like that in Sheboygan, you would have been all right."

The cars of clay, and I think there were 60 or 70 boxcars of material, were shipped to Sheboygan by rail. Again, the union tried, with a picket line, to prevent the cars from moving out of the freight yards in Sheboygan, but Captain Heimke, now chief, took some men out there and stopped the commotion. The clay came in and was unloaded.

Senator MUNDT. We have had some conflicting testimony about the broadcasting which took place by Mr. Treuer and on the union program that day.

Did you hear any of those broadcasts?

Mr. BIEVER. Yes, sir; at that time I listened to every broadcast. I feel reasonably sure that the crowd or the mob which developed into a riot was caused by those broadcasts.

Senator MUNDT. What was the nature of the broadcasts?

Mr. BIEVER. I don't remember the exact wording, but they invited people to come down to merely see the clay boat.

Senator MUNDT. Just to see the clay boat?

Mr. BIEVER. Yes.

Senator MUNDT. Well, that wouldn't cause a riot, would it, to have somebody come down and see the clay boat?

Mr. BIEVER. Well, I think in the manner, the way, in which he said it, I think it was a clear invitation to come down for some trouble, Senator.

Senator CURTIS. Will the Senator yield to me right there?

Senator MUNDT. Yes.

Senator CURTIS. The other day I placed in the record at least one series from their daily strike bulletin, in which, in their strike bulletin, they advised people to listen to these daily broadcasts to get their instructions.

Mr. BIEVER. Yes, sir.

Senator CURTIS. They used the word "instructions."

Senator MUNDT. Did you have any conversations with Mayor Ploetz on this particular day?

Mr. BIEVER. No, I did not.

Senator MUNDT. Your conversations were all with Chief Wagner?

Mr. BIEVER. Yes, sir. We had three meetings with the chief, one at the dock, two later in his office, and the chief assured me the last time, before I moved the equipment down, he said, "I will do what I can." Those were his exact words, "I will do what I can."

Senator MUNDT. Were you on the scene of the riot at the time the mayor made his speech over the microphone?

Mr. BIEVER. No, sir.

Senator MUNDT. You didn't hear that?

Mr. BIEVER. No, sir.

Senator MUNDT. That is all.

The CHAIRMAN. Are there any further questions?

If there are no further questions, the witness may stand aside.

Gentlemen, shall we proceed further this afternoon, or shall we recess?

Senator MUNDT. I would prefer a recess.

The CHAIRMAN. The committee will stand in recess until 10 o'clock in the morning.

By the way, the Chair is not too happy, but must announce that the meeting tomorrow will be in room 307 instead of this room.

(Whereupon, at 4:45 p. m., the committee recessed to reconvene at 10 a. m., Wednesday, March 19, 1958.)

(Members of the committee present at the taking of the recess were Senators McClellan, McNamara, Mundt, and Curtis.)

APPENDIX

EXHIBIT No. 82A

BOSTON
CHICAGO
CLEVELAND
DETROIT
HOUSTON
KANSAS CITY
LOS ANGELES
MILWAUKEE
MINNEAPOLIS

KOHLER CO.

FOUNDED 1873

KOHLER, WISCONSIN

NEWARK
NEW YORK
PHILADELPHIA
RICHMOND
ST. LOUIS
SAN FRANCISCO
SEATTLE
LONDON, ENGLAND

June 28, 1955

IN REPLY REFER TO
G. A. Desmond

Mr. Rudolph J. Ploetz,
Mayor, City of Sheboygan,
City Hall,
Sheboygan, Wisconsin.

Dear Sir:

In our discussion some time ago relative to police protection when our clay boats are unloaded at the Hildebrand dock in Sheboygan, you requested that you be advised as soon as we have information concerning the date of arrival of the vessel.

We have been informed that the "S.S. Fossum" departed Montreal, Canada, on June 26, and is expected to arrive at Sheboygan on the morning of July 1, 1955.

Very truly yours,

KOHLER CO.,
per-


Legal Department

Q

KOHLER OF KOHLER

PLUMBING FIXTURES, HEATING EQUIPMENT, ELECTRIC PLANTS, AIR-COOLED ENGINES, PRECISION CONTROLS

EXHIBIT No. 82B

2

BOSTON
CHICAGO
CLEVELAND
DETROIT
HOUSTON
KANSAS CITY
LOS ANGELES
MILWAUKEE
MINNEAPOLIS

KOHLER CO.

FOUNDED 1873

KOHLER, WISCONSIN

NEWARK
NEW YORK
PHILADELPHIA
RICHMOND
ST. LOUIS
SAN FRANCISCO
SEATTLE
LONDON, ENGLAND

July 1, 1955
IN REPLY REFER TO

G. A. Desmond

Mr. Rudolph J. Ploetz,
Mayor, City of Sheboygan,
City Hall,
Sheboygan, Wisconsin.

Dear Mr. Ploetz:

Supplementing our letter of June 28, we have been informed that the "S.S. Fossum" is expected to arrive at Sheboygan between 8:00 and 9:00 A.M. on Saturday, July 2.

Very truly yours,

KOHLER CO.,

per



Legal Department

G

KOHLER OF KOHLER

PLUMBING FIXTURES, HEATING EQUIPMENT, ELECTRIC PLANTS, AIR-COOLED ENGINES, PRECISION CONTROLS

EXHIBIT No. 82C

2
KOHLER CO.

FOUNDED 1873

KOHLER, WISCONSIN

BOSTON
CHICAGO
CLEVELAND
DETROIT
HOUSTON
KANSAS CITY
LOS ANGELES
MILWAUKEE
MINNEAPOLISNEWARK
NEW YORK
PHILADELPHIA
RICHMOND
ST. LOUIS
SAN FRANCISCO
SEATTLE
LONDON, ENGLANDJuly 2, 1955
IN REPLY REFER TO

G. A. Desmond

Mr. Rudolph Floetz,
Mayor, City of Sheboygan,
City Hall,
Sheboygan, Wisconsin.

Dear Sir:

This is to advise that the S. S. Fossum carrying a cargo of clay for Kohler Co. will dock at Sheboygan on or about July 2, 1955 for unloading and transportation of the clay to the Kohler Co. plant.

Certain statements were made by Local 833 UAW-CIO in its broadcast over radio station WHBL at 6:30 P.M. on July 1, 1955, in an obvious attempt to invite a large number of their members to be present during the docking and unloading of the boat.

This is notice that we demand adequate police protection to prevent any mob or riot interference with the unloading of the boat and the transportation of the clay and, in case such protection is not provided and damage results we intend to hold the City of Sheboygan and you personally liable under the provisions of Section 66.01 of the Wisconsin statutes for any damage, including demurrage, which may result.

Yours truly,

K O H L E R C O.,

per


Legal Department

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cc: Mr. Walter Wagner
Chief of Police
City of Sheboygan
City Hall
Sheboygan, Wis.

KOHLER OF KOHLER

PLUMBING FIXTURES, HEATING EQUIPMENT, ELECTRIC PLANTS, AIR-COOLED ENGINES, PRECISION CONTROLS

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